

09:54:36 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY,**

2 **19TH DECEMBER 2007, AT 10: 00 A.M:**

3
4
10:11:10 5 CHAIRMAN: Good morning, Ms.

6
7 MS. DILLON: Mr. Dunlop.

8
9 MS. DILLON: Good morning, Sir.

10:11:17 10
11
12 **CONTINUATION OF QUESTIONING OF MR. FRANK DUNLOP,**

13 **BY MS. DILLON AS FOLLOWS:**

14
10:11:24 15 CHAIRMAN: Good morning, Mr. Dunlop.

16 A. Good morning.

17
18 MS. DILLON: Good morning, Mr. Dunlop.

19
10:11:29 20 Q. 1 I want to resume today with charting your progress of your relationship with
21 the Tribunal throughout 1998. And I think it would be fair to say, Mr. Dunlop,
22 it won't be necessary to dwell on it that you had some difficult family
23 circumstances in 1998. Early in 1998 and mid 1988, isn't that the position?

24 A. That's correct, yes, Ms. Dillon.

10:11:50 25 Q. 2 And what I want to focus on this morning is charting through your diaries and
26 the contemporaneous documentation, the increasing level of your involvement
27 with the Tribunal and with dealing with other parties who were involved with
28 the Tribunal. Would it be fair to say, Mr. Dunlop, as a general approach as
29 you came towards the end of 1998 that your, while your correspondence with the
10:12:16 30 Tribunal protested that you wished to co-operate the reality was entirely

- 10:12:20 1 different?
- 2 A. Yes.
- 3 Q. 3 And that in fact you were engaged in 1998 and 1999 and into 2000 in a
- 4 systematic deception of the Tribunal?
- 10:12:30 5 A. Well I, was not co-operating.
- 6 Q. 4 Yes. Did you provide any truthful information to the Tribunal about the
- 7 political payments that you now say you made?
- 8 A. No, I made no, I made no statement or provided no information to the Tribunal
- 9 about the payments under investigation by the Tribunal other than payments that
- 10:12:51 10 I made which I deemed to be political contributions.
- 11 Q. 5 Yes. Which was a two-page affidavit that you produced in 1999, isn't that
- 12 correct?
- 13 A. Correct.
- 14 Q. 6 And it would be fair therefore, to class your approach or if you were standing
- 10:13:04 15 back from the situation from the time that you became involved with the
- 16 Tribunal or became aware that you were going to become involved with the
- 17 Tribunal, that the approach you had embarked upon was one of systematic
- 18 non-disclosure?
- 19 A. Non-disclosure, yes.
- 10:13:20 20 Q. 7 Right. And that insofar as you were involving yourself with other people, your
- 21 involvement with those people would have had insofar as they'd a connection to
- 22 the Tribunal, would have had as its object the misdirection or to provide lack
- 23 of assistance to the Tribunal?
- 24 A. Well, I'm not sure I follow.
- 10:13:42 25 Q. 8 For example you had communication with journalists in late 1998?
- 26 A. Oh, yes, sorry, yes.
- 27 Q. 9 Did you make truthful disclosure to any of those about the true position that
- 28 pertained in relation to your activities?
- 29 A. None.
- 10:13:55 30 Q. 10 Would it be fair to say, Mr. Dunlop, that insofar as you could influence or

- 10:14:00 1 persuade any of the people with whom you spoke about the Tribunal it was not to
2 provide anything that would be of assistance either to them or to the Tribunal?
- 3 A. Other than in circumstances where I had to acknowledge that I was in receipt of
4 documentation from the Tribunal.
- 10:14:11 5 Q. 11 Yes. But leading -- would it also be fair to say that coming towards the end
6 of 1998 by virtue of a slowly unfolding story in the newspapers concerning
7 Quarryvale and Mr. Gilmartin that you must have become aware of the likelihood
8 that you yourself were going to be sucked into this entire controversy?
- 9 A. Yes. Yes, is the simple answer but I cannot tell you specifically when or you
10 know how that became an impending reality.
- 11 Q. 12 Yes. But from the time that it became an impending reality you must have
12 devised a strategy, Mr. Dunlop, to deal with the Tribunal?
- 13 A. Oh, yes.
- 14 Q. 13 And can you just now outline to the Tribunal what was your strategy in 1998 as
10:14:56 15 you became more and more involved with the Tribunal?
- 16 A. Well, my strategy was simple. I think in fairness I should say, Ms. Dillon,
17 that I have given evidence to this effect before. But I mean that doesn't
18 cause me a difficulty. I, my attitude and demeanour was one of apparent
19 co-operation with the Tribunal in response to documentation as was received.
10:15:18 20 But certainly I was not, I was keeping my involvement in relation to payments
21 to politicians that were the subject of the inquiry by the Tribunal under the
22 radar.
- 23 Q. 14 And would it have become obvious to you as matters unfolded throughout 1998 and
24 coming towards the end of 1998 that you were going to become involved with this
10:15:40 25 Tribunal in a fairly serious way?
- 26 A. Yes. I mean, the communications from the Tribunal increased expedientially as
27 time went on.
- 28 Q. 15 And is it also fair to say that the Tribunal's initial inquiries of you
29 centered upon material that had been in the newspapers in connection with
10:16:05 30 Mr. Tom Gilmartin, Barkhill and Quarryvale?

- 10:16:05 1 A. Yes.
- 2 Q. 16 And that the initial focus of the Tribunal's inquiries of you centered on the
3 present Module and not the subsequent Modules, isn't that fair to say?
- 4 A. Correct, yes.
- 10:16:11 5 Q. 17 And in fact it would be fair to say that it's only after you gave your evidence
6 in April 2000 that the extent and nature of your involvement in the planning
7 activities of Dublin County Council became apparent and the other Modules came
8 in to being, isn't that right?
- 9 A. Yes, I don't want, I'm not in the business of seeking credit but I devised the
10 road map which the Tribunal has followed subsequently.
- 11 Q. 18 Yes. But what I'm trying to establish from you, Mr. Dunlop, is that from 1998
12 through to April 2000 the Tribunal's focus of its inquiries with you centered
13 on Quarryvale, your relationship with Barkhill, Riga and Mr. Owen O'Callaghan,
14 isn't that right?
- 10:16:50 15 A. That's correct.
- 16 Q. 19 And the subject matter of the correspondence that passed between the Tribunal
17 and yourself related to that development and that development only, isn't that
18 the position.
- 19 A. Correct, yes.
- 10:16:59 20 Q. 20 So that insofar as you are not cooperating with the Tribunal in its initial
21 stages, it is confined to a policy of non-co-operation in relation to
22 Quarryvale, isn't that right?
- 23 A. Yes.
- 24 Q. 21 And the people with whom you were most intimately involved in the development
10:17:13 25 of Quarryvale were the late Mr. Liam Lawlor, isn't that right?
- 26 A. Correct, yes.
- 27 Q. 22 Mr. Ambrose Kelly?
- 28 A. Yes.
- 29 Q. 23 Mr. Owen O'Callaghan?
- 10:17:20 30 A. Yes.

- 10:17:20 1 Q. 24 Is that correct?
- 2 A. That's correct.
- 3 Q. 25 Would it be fair to say that they were the three main people with whom you had
4 been involved throughout the Quarryvale development?
- 10:17:28 5 A. Correct.
- 6 Q. 26 And therefore, would also be fair to say that they would in the main have been
7 the people with the greatest interest in your correspondence with the Tribunal
8 in connection with Quarryvale?
- 9 A. Well, that is a supposition that you have made, a necessary supposition that I
10 have to make. But given that they were the participants in the development of
11 Quarryvale, yes, I would have imagined that they would have had an interest,
12 yes.
- 13 Q. 27 And would you have throughout 1998 and 1999 have fully and freely discussed
14 with Mr. Lawlor, Mr. Ambrose Kelly and Mr. Owen O'Callaghan your contacts and
10:18:00 15 dealings with the Tribunal?
- 16 A. No, not fully and freely. That's an extensive, that's extensive terminology.
- 17 Q. 28 All right.
- 18 A. I would certainly agree that on various occasions mainly in, subsequent to the
19 receipt of documentation from the Tribunal or requests for information from the
10:18:20 20 Tribunal that that would become a subject of comment or discussion.
- 21 Q. 29 When you say it became the subject of comment and discussion did you discuss it
22 with Mr. O'Callaghan?
- 23 A. Oh, yes I did, yes.
- 24 Q. 30 Did you discuss it with Mr. Kelly?
- 10:18:33 25 A. I can't definitively say that I -- my relationship with Mr. Kelly wasn't the
26 same as my relationship with Mr. Lawlor or Mr. O'Callaghan. But I would have
27 to say that on balance, yes, I probably did from time to time mention the fact
28 that I had received documentation from the Tribunal to Mr. Kelly.
- 29 Q. 31 And insofar as Mr. Lawlor was concerned, did you discuss it with Mr. Lawlor?
- 10:18:58 30 A. Yes, I did discuss the fact that I had been in receipt of documentation and I

- 10:19:04 1 cannot attest to when he was in receipt of documentation. But certainly I do
2 know that at some stage he told me that he was in receipt of documentation.
- 3 Q. 32 Of the three of them who was the person with whom you discussed the most your
4 involvement with the Tribunal in connection with Quarryvale?
- 10:19:20 5 A. I would say Mr. O'Callaghan.
- 6 Q. 33 All right. And did Mr. O'Callaghan discuss with you any correspondence or
7 communication he had or his involvement with the Tribunal?
- 8 A. Yes, Mr. O'Callaghan told me at some stage again, forgive me, but as to the
9 actual date but given the window that you have opened in the context of timing
10:19:41 10 and I would put it between October 1998 and April/May of 2000, which I think is
11 the window you're talking about. That certainly I told Mr. O'Callaghan that I
12 had been in receipt of documentation in relation to the Tribunal and requests
13 for information. Sorry, I lost my train of thought there for a moment. Too
14 much verbiage. Yes, sorry. The point was I cannot say to you exactly when Mr.
10:20:13 15 O'Callaghan told me that he had, he was in receipt of documentation.
- 16 Q. 34 And would it be fair to say, Mr. Dunlop, the nature of your discussions with
17 Mr. O'Callaghan were such in that there was a free exchange of information
18 between the two of you?
- 19 A. Well, let me, yes, that is a wide term as well, Ms. Dillon. But for clarity
10:20:34 20 let me say that I was in receipt of documentation from the Tribunal. I do not
21 believe I ever other than to my solicitors, showed that documentation to
22 anybody including Mr. O'Callaghan. I may well have told him and the
23 probability is I did, of the general substance of the requests for information
24 and likewise, he told me of the general substance of the request for
10:21:04 25 information that he had received.
- 26 Q. 35 So that apart from not showing each other correspondence you did discuss in
27 general terms the nature of the requests made of you both individually and your
28 respective companies emanating from the Tribunal and did you also discuss what
29 your responses were going to be or were likely to be?
- 10:21:24 30 A. Well, no. The -- sorry, the answer is, yes, we did discuss is the answer to

- 10:21:30 1 the first part of the question. The answer to the second part of the question
2 is I did not ever discuss in detail with Mr. O'Callaghan what I would or would
3 not say in response to documentation or in my appearance before the Tribunal.
4 The general orientation of any discussion that took place was that nothing had
10:21:59 5 happened. Nothing untoward had taken place. I never discussed payments to
6 politicians other than in specified circumstances with Mr. O'Callaghan. And
7 that was -- if you wish to ask me more detailed question. But that was the
8 generality of the discussion.
- 9 Q. 36 Yes. Are you telling the Tribunal, Mr. Dunlop, that in your discussions with
10:22:33 10 Mr. O'Callaghan you never disclosed to him the fact that you had made improper
11 and corrupt payment to councillors in connection with Quarryvale?
- 12 A. That is correct.
- 13 Q. 37 And that therefore, Mr. O'Callaghan was not in his dealings with the Tribunal
14 in possession of information in relation to your corrupt activities until that
10:22:50 15 information became public in April 2000?
- 16 A. When I gave evidence in April 2000, yes.
- 17 Q. 38 Is that --
- 18 A. That is correct, yes.
- 19 Q. 39 So that the Tribunal may take it then that in all of your discussions with Mr.
10:23:00 20 O'Callaghan in 1998 and 1999 and 2000 leading to April 2000 you didn't disclose
21 to him the true nature of your activities in relation to Quarryvale?
- 22 A. That is correct.
- 23 Q. 40 And that has remained your consistent position, Mr. Dunlop, isn't that the case
24 in the intervening period?
- 10:23:17 25 A. That's correct, yes.
- 26 Q. 41 You have maintained and Mr. O'Callaghan has maintained that Mr. O'Callaghan was
27 at all times unaware of your illegal or improper activities?
- 28 A. The only discussion I had with Mr. O'Callaghan about payments to politicians
29 were in specific circumstances either generated by him or me.
- 10:23:36 30 Q. 42 So in the course of your discussions then with Mr. O'Callaghan throughout that

- 10:23:41 1 period of time what were you talking about?
- 2 A. Well, first of all there was, I cannot recall the exact sequence of events but
- 3 one of the main issues was in relation to the amounts of money that I had been
- 4 paid by either Owen O'Callaghan in various guises Barkhill, Riga or whatever.
- 10:24:07 5 And what documents were there to support it. And from Mr. O'Callaghan's point
- 6 of view, he told me very early on that he had extensive documentation in
- 7 relation to invoices and payments.
- 8 Q. 43 Right. And you yourself did not, isn't that right?
- 9 A. And I did not. And if I could fast forward for a moment, Mr. O'Callaghan, I
- 10 shouldn't say Mr. O'Callaghan but Mr. O'Callaghan's advisors or team of people,
- 11 I don't know who they were, produced a list of all of the payments that he had
- 12 made to Frank Dunlop & Associates to Shefran or to Frank Dunlop which I had
- 13 with me in the box in April of 2000.
- 14 Q. 44 And that was a document that had been prepared or provided to you by Mr.
- 10:25:03 15 O'Callaghan or his accountants or by Riga or Barkhill, isn't that the position?
- 16 A. I don't exactly know who produced it but I do know it was produced on the
- 17 authority of Mr. O'Callaghan.
- 18 Q. 45 Yes. And would it be fair to say that without that documentation provided to
- 19 you by Mr. O'Callaghan, you, yourself would not have been in a position to
- 10:25:21 20 provide documentation in relation to the receipt of monies other than those
- 21 monies received from Mr. O'Callaghan to Frank Dunlop & Associates?
- 22 A. That is correct.
- 23 Q. 46 And also it's fair to say I think, that in relation to the invoices generated
- 24 by Frank Dunlop & Associates you kept records in relation to nearly all of
- 10:25:40 25 those although not all of them, isn't that the position? And in relation to
- 26 Shefran did you keep any invoices or records of any invoices issued or paid?
- 27 A. No. I think in relation to the Shefran invoices, I think I received copies of
- 28 those invoices from Mr. O'Callaghan.
- 29 Q. 47 And therefore, in April or coming up to April of 2000 as your attendance before
- 10:26:00 30 the Tribunal loomed, you were relying upon the information provided to you by

- 10:26:11 1 Mr. O'Callaghan?
- 2 A. In relation to financial payments to either of the entities, Frank Dunlop &
3 Associates, Shefran or Frank Dunlop.
- 4 Q. 48 And did you discuss your involvement in your ongoing involvement with the
10:26:16 5 Tribunal with any of your other clients, Mr. Dunlop?
- 6 A. Immediately, no. I think it became known by whatever osmosis that goes on in
7 relation to these things. But it became known to various people, including
8 some of my clients, that it was likely that I had either been in receipt of
9 documentation or requests for information from the Tribunal, or that I would
10:26:52 10 likely be called before the Tribunal and simultaneous with that knowledge,
11 developing knowledge, there was newspaper stories as well.
- 12 Q. 49 In the course of your discussions with Mr. O'Callaghan or indeed any of the
13 other developers, did anybody ever seek an assurance from you, Mr. Dunlop, that
14 you had never made any improper payments?
- 10:27:16 15 A. Well, let me deal with that ad seriatim. In relation to Mr. O'Callaghan. I
16 don't think Mr. O'Callaghan ever asked me that question. In relation to,
17 subsequent to my evidence in April of 2000, offhand I'm trying to think. I
18 can't say definitively that nobody never, that anybody never asked me ... asked
19 me whether or not they had made, whether I had made illegal payments on their
10:28:03 20 behalf. Could I park that for a moment. I just ...
- 21 Q. 50 If we just stay with Mr. O'Callaghan then for a moment?
- 22 A. Yes.
- 23 Q. 51 Because that's the subject matter of the present --
- 24 A. Uh-huh.
- 10:28:12 25 Q. 52 -- the, you are involved Mr. O'Callaghan is part of the subject matter of the
26 present Module. Is it the position then, Mr. Dunlop, that from the time you
27 became involved with the Tribunal and Mr. O'Callaghan and his companies became
28 involved through the Tribunal, that Mr. O'Callaghan never asked you whether or
29 not you had ever made any improper payments in connection with Quarryvale?
- 10:28:34 30 A. I think that is true and I think it is also true that the first that Mr.

- 10:28:42 1 O'Callaghan may well have become aware of the nature of the -- of what I had
2 been doing with councillors in Dublin County Council was in April or May of
3 2000.
- 4 Q. 53 The Tribunal with which you had both become involved was a Tribunal of Inquiry
10:29:03 5 into payments and planning corruption, isn't that right?
- 6 A. Correct.
- 7 Q. 54 And therefore, the whole purpose of the Tribunal was to inquire as to whether
8 or not favours had been done or money paid to achieve planning success, as it
9 were, isn't that right?
- 10:29:19 10 A. Yes, correct.
- 11 Q. 55 So that the whole purpose of anybody becoming involved with the Tribunal would
12 have been in the context of an inquiry into planning corruption, isn't that
13 right?
- 14 A. Yes.
- 10:29:31 15 Q. 56 And would it be fair to say, Mr. Dunlop, that you would have understood from
16 the time the Tribunal was established that the Tribunal was a planning
17 Tribunal?
- 18 A. Yes.
- 19 Q. 57 And that the focus of its inquiry was the corruption in the planning process?
- 10:29:44 20 A. Correct.
- 21 Q. 58 And from your conversations with Mr. O'Callaghan would it be fair to say that
22 he also understood what this Tribunal was about?
- 23 A. I have no doubt about.
- 24 Q. 59 So that the whole focus of anybody being the subject matter of correspondence
10:29:58 25 or inquiry from the Tribunal must have had as its central theme an inquiry into
26 some form of planning corruption?
- 27 A. Yes.
- 28 Q. 60 And in the light of that knowledge or understanding held on the part of both of
29 you, do you still say that you never discussed any of your corrupt activities
10:30:13 30 with Mr. O'Callaghan or that indeed Mr. O'Callaghan didn't raise with you or

- 10:30:17 1 ask of you that question?
- 2 A. I can say to you definitively that I have no recollection of Mr. O'Callaghan
3 ever asking me from the moment of receipt of documentation or requests for
4 information from the Tribunal on his part or mine whether I had done anything
10:30:36 5 untoward. The centrality of the discussion related to the specifics being
6 requested by the Tribunal as to the monies that I had received as you quite
7 rightly say only at that period, from either Owen O'Callaghan, Barkhill or Riga
8 in relation to the development of Quarryvale. And it was to establish the
9 actual amounts, the detail of those and the dates of the payments.
- 10:31:10 10 Q. 61 Yes. So then the Tribunal may take it that Mr. O'Callaghan never sought an
11 assurance from you that you in your dealings in Quarryvale on his behalf had
12 acted properly at all times?
- 13 A. No. I recollect receiving a telephone call from Mr. O'Callaghan sometime
14 shortly after my evidence in April/May 2000 and there were two matters. One, I
10:31:32 15 think he was concerned in relation to issues that had arisen which I don't
16 think we need to go into, health issues. And secondly, a comment to the effect
17 and I do not want to be unfair to anybody, but a comment to the effect that you
18 never told me or I did not know or what was going on or what you were doing.
- 19 Q. 62 Yes. I think in a letter subsequent, subsequently to you after you gave
10:32:02 20 evidence in connection with Mr. Colm McGrath, Mr. O'Callaghan refers to the
21 fact that you had never made any such disclosure to him, isn't that correct?
- 22 A. Yes, correct.
- 23 Q. 63 Can I ask you about Mr. Lawlor? Did you discuss with Mr. Lawlor your
24 activities in relation to Quarryvale in the context of the inquiries then being
10:32:21 25 made by the Tribunal?
- 26 A. Yes, I did.
- 27 Q. 64 And can you outline to the Tribunal then the nature of your discussions with
28 Mr. Lawlor about the Tribunal and in particular about Quarryvale?
- 29 A. Yes. Mr. Lawlor obviously as I have given evidence on an ongoing basis in
10:32:39 30 relation to, my relationship with Mr. Lawlor and payments made to him was a key

10:32:43 1 figure and therefore, he was in receipt of monies himself. He may well have --
2 his interests may well have been generated by what I might say in relation to
3 that matter. I cannot say to you that other than Mr. Lawlor telling me at a
4 very early stage, and again I've given evidence in relation to this matter, as
10:33:06 5 to how matters -- matters were run in Dublin County Council. I don't think
6 Mr. Lawlor ever asked me or I ever told him in the context in which we are now
7 talking. And that is subsequent to the receipt of requests for information
8 from the Tribunal as to who and what amounts and how often.

9 Q. 65 Did you devise a strategy with Mr. Lawlor for dealing with the Tribunal, Mr.
10:33:32 10 Dunlop?

11 A. I don't think you could say we would devise a strategy. But Liam, Mr. Lawlor's
12 attitude was tell them nothing.

13 Q. 66 And was that an attitude with which you concurred?

14 A. Well, initially yes.

10:33:44 15 Q. 67 And when you say initially, are you talking about the time period leading up to
16 April 2000?

17 A. I would co-operate on the basis of documentation received by the Tribunal. I
18 would give, respond to any requests for information other than information that
19 in relation to payments that were not considered legal.

10:34:04 20 Q. 68 Would it be fair to describe your strategy from 1998 to April 2000 as being one
21 of apparent compliance with the requests of the Tribunal while actively working
22 in the opposite direction?

23 A. Well, again you and I are developing this relationship, Ms. Dillon. I don't
24 want to quibble with the word you are using. I would agree that I was giving
10:34:29 25 every indication of being complacent.

26 Q. 69 Uh-huh.

27 A. But to say that I was actively, that means that I was carrying out some
28 activity with other people or whatever, I certainly wouldn't have put it that
29 way. But certainly I was not going to -- I was going to keep -- I was not
10:34:47 30 going to acknowledge my role in relation to Dublin County Council.

- 10:34:51 1 Q. 70 And therefore, the best protection you could give yourself for hiding your
2 corrupt activities would have been to destabilise the Tribunal, Mr. Dunlop, to
3 bring the Tribunal into disregard, isn't that right?
- 4 A. Well, I don't think that -- I don't think that ever loomed large in my mind as
10:35:09 5 to destabilise the Tribunal. I think there were enough people trying to do
6 that already.
- 7 Q. 71 You spoke to journalists about the Tribunal, Mr. Dunlop, isn't that right?
- 8 A. Yes, yes.
- 9 Q. 72 You spoke to politicians about the Tribunal?
- 10:35:20 10 A. Yes, I did.
- 11 Q. 73 And in any of your conversations with journalists or with politicians leading
12 up to April 2000 did you give any indication of a belief that the Tribunal
13 would be successful?
- 14 A. Well, I didn't know. I think I said to you yesterday, it was yesterday, yes.
10:35:40 15 I think there was a general attitude developed that one, why the hell was thing
16 this set up. Two, it's all been done before. Three, it's going to go nowhere.
17 And on an increasing developing basis, that's further into the future, it
18 related to the first Module, that as I think the words I used and I apologise
19 if I'm offending anybody, I don't mean to do that, I am just telling you as I
10:36:34 20 appreciated at the time, was that the whole thing was a joke.
- 21 Q. 74 All right. When you say a general attitude developed, Mr. Dunlop?
- 22 A. Uh-huh.
- 23 Q. 75 Do you include yourself as being one of the people who assisted in the
24 development of that general attitude?
- 10:36:47 25 A. Well, if you were to say to me that having participated in discussion with
26 people in relation to the Tribunal that that was saying that it was a joke, I
27 think the attitude was the general attitude was as I say that it was going
28 nowhere.
- 29 Q. 76 All right. And that would have defined your initial relationship with the
10:37:12 30 Tribunal, is that right?

- 10:37:13 1 A. Well, there is a history to this, Ms. Dillon. And this is not something that
2 I'm sure that you want to go into or I want to go into either. As to why the
3 Tribunal was established. There were political ramifications, there were
4 senior politicians involved and there was a general view that at the time,
10:37:36 5 notwithstanding any claims to accredit subsequently, there was a general view
6 at the time that a mistake had been made in establishing the Tribunal.
- 7 Q. 77 And was the general view at the time that the Tribunal would establish nothing
8 and would find out nothing?
- 9 A. Well, certainly from very early on for an ongoing period, I can't put a time
10:37:58 10 frame on it, but certainly for quite some time particularly during the course
11 of the first Module, the view increased politically that this was going
12 nowhere.
- 13 Q. 78 And that in effect insofar as people were involved in dealing with the
14 Tribunal, if that was the general attitude, they would have had nothing to fear
10:38:19 15 because the Tribunal was not going to establish anything and was not going to
16 find out anything?
- 17 A. That would be the general tenure, yes.
- 18 Q. 79 Would it be fair to say this, Mr. Dunlop, that in the area which you worked you
19 had extensive contact and communications with politicians and journalists?
- 10:38:35 20 A. At that time, yes.
- 21 Q. 80 At that time. And that you would have been to the forefront of the public
22 relations people in Dublin at that time, isn't that right?
- 23 A. Certainly I was -- I had a successful company, yes.
- 24 Q. 81 And the nature of the company that you had was a public relations company,
10:38:52 25 isn't that right?
- 26 A. Public affairs.
- 27 Q. 82 Public affairs company?
- 28 A. Yes.
- 29 Q. 83 And it was of necessity of the type of company that you had that it involved
10:39:01 30 contact and communication with both politicians and with journalists?

- 10:39:05 1 A. Yes.
- 2 Q. 84 At any stage throughout your extensive contacts with politicians and
3 journalists, did you ever suggest in any way prior to April 2000 that the
4 Tribunal would in any way be successful?
- 10:39:18 5 A. Oh, I don't think that certainly was not on anybody's radar.
- 6 Q. 85 No, I'm asking you now about you, Mr. Dunlop?
- 7 A. No, sorry. I think I was a participant in the general view that the Tribunal
8 was going nowhere.
- 9 Q. 86 Yes. And you would have promoted I suggest that view to you, Mr. Dunlop,
10:39:35 10 because it served your own self interests, isn't that right?
- 11 A. Yes. Again promoted in discussions with people, I may well have said, yes, I
12 don't think this is going anywhere. Promoting connotes a deliberate activity
13 that I was going around deliberately doing this. I may well have said this to
14 people that I was talking to about the Tribunal, yes. I wouldn't deny that.
- 10:39:58 15 Q. 87 Yes. But it was in your interest, Mr. Dunlop, from the time the Tribunal first
16 wrote to you on the 6th of October 1998 to ensure that this Tribunal was not
17 successful, isn't that right?
- 18 A. Ultimately, yes, yes. But I mean I don't think. I thought in those terms that
19 you know, that this is not going to be successful. I mean I was a participant
10:40:22 20 in the general view that it wasn't going to be successful.
- 21 Q. 88 The majority of the people whom you were speaking, Mr. Dunlop, be they
22 politicians or journalists were not themselves the subject matter of inquiry of
23 the Tribunal?
- 24 A. Not then.
- 10:40:34 25 Q. 89 From the 6th of October 1998 when you received your first correspondence from
26 the Tribunal, you had an additional motive in ensuring that the Tribunal was
27 not successful, isn't that right?
- 28 A. From a clinical point of view that is correct.
- 29 Q. 90 If the Tribunal were to fall, Mr. Dunlop, on the 7th of October 1998 you
10:40:53 30 wouldn't be in the witness box today, isn't that right?

- 10:40:56 1 A. Correct.
- 2 Q. 91 All right. So would it be fair to say that up until April of 2000 insofar as
- 3 you were motivated in your dealings with other people, that one of the strands
- 4 of your motivation had to be the fact that you had a personal interest in
- 10:41:11 5 ensuring that the Tribunal was not successful?
- 6 A. Well --
- 7 Q. 92 Isn't that self evident, Mr. Dunlop?
- 8 A. There is a great deal of what is self evident in relation to what you are
- 9 saying. But the notion that you are putting forward that this was a motivating
- 10:41:29 10 factor completely and totally on my part at all times, I don't think that's the
- 11 way I entered, I thought about it. And I can only talk about it as far as I'm
- 12 concerned. I participated in the general view that the Tribunal was probably a
- 13 mistake and that it probably would go nowhere.
- 14 Q. 93 All right. And not alone, Mr. Dunlop, did you have yourself to protect, isn't
- 10:41:54 15 that right? You had yourself to protect from the Tribunal, isn't that the
- 16 position?
- 17 A. Yes.
- 18 Q. 94 From inquiry. But behind you stood your clients, isn't that right?
- 19 A. Yes.
- 10:42:03 20 Q. 95 Yes. And for these clients and on behalf of these clients some you say with
- 21 their knowledge, you had made corrupt payments to councillors to achieve
- 22 rezoning?
- 23 A. Correct.
- 24 Q. 96 So that in standing between those clients and the Tribunal, as it were, and not
- 10:42:18 25 revealing the information that you had not alone were you protecting yourself
- 26 and Frank Dunlop & Associates, but you were protecting your clients who stood
- 27 in a row behind you, isn't that right?
- 28 A. Yes, in broad terms that's correct.
- 29 Q. 97 And the ability of the Tribunal to inquire into any of those developments
- 10:42:36 30 depended entirely upon the information becoming available to the Tribunal,

- 10:42:40 1 isn't that right?
- 2 A. Yes, the reason I -- reason are the reason I paused, Ms. Dillon, is that there
- 3 is a great deal of conflation going on here. The issue at the outset was
- 4 Quarryvale. It was subsequent to May, of April of 2000 that other issues
- 10:43:01 5 became dominant.
- 6 Q. 98 Yes. I am obviously not making myself clear, Mr. Dunlop. I am suggesting to
- 7 you that from the time that you first became involved with the Tribunal not
- 8 alone were you involved in protecting yourself from inquiry and examination,
- 9 but you were also involved in protecting the developers on whose behalf you had
- 10:43:19 10 made improper payments, isn't that right?
- 11 A. Yes. I had been involved with so many developers that if the Tribunal
- 12 uncovered or lifted the lid on anything that went on in a particular Module, as
- 13 they came to be called, yes.
- 14 Q. 99 And in addition to that you were also protecting the people whom you had paid,
- 10:43:37 15 isn't that right?
- 16 A. Yes.
- 17 Q. 100 And therefore, behind you as it were, in the initial stages of your engagement
- 18 with the Tribunal stood a series of developers who had paid you large amounts
- 19 of money to achieve certain purposes?
- 10:43:50 20 A. Uh-huh.
- 21 Q. 101 And then there were also the councillors and politicians to whom you had paid
- 22 significant amounts of money, isn't that right?
- 23 A. Correct, yes.
- 24 Q. 102 Now, the only developer who was known to the Tribunal at that time in which you
- 10:44:06 25 had an involvement was Riga Limited and Mr. O'Callaghan, isn't that right?
- 26 A. Correct.
- 27 Q. 103 So that in the initial stages of your engagement with the Tribunal the only
- 28 party of which the Tribunal was aware, Mr. Dunlop, and with whom you had
- 29 corresponded was Mr. O'Callaghan, isn't that right?
- 10:44:22 30 A. That's correct.

- 10:44:23 1 Q. 104 And Riga?
- 2 A. That's correct, yes.
- 3 Q. 105 And therefore, would it be fair to say that insofar as your non-co-operation
4 with the Tribunal was concerned between the 6th of October 1998 and April of
10:44:36 5 2000 the only party who was being protected by your non-disclosure to the
6 Tribunal was Riga Limited, Barkhill Limited and Mr. O'Callaghan?
- 7 A. In those clinical circumstances, yes, other than there was no involvement
8 between Mr. O'Callaghan and myself in relation to such protection.
- 9 Q. 106 Yes. You've already given that evidence?
- 10:44:57 10 A. Yes.
- 11 Q. 107 But insofar as you were engaging with the Tribunal on behalf of Frank Dunlop,
12 Frank Dunlop & Associates and Shefran. You were protecting your true
13 involvement Mr. O'Callaghan, Riga Limited and Barkhill, isn't that right?
- 14 A. Correct.
- 10:45:11 15 Q. 108 And you were affording to Mr. O'Callaghan without his knowledge the protection
16 of misleading the Tribunal, isn't that right?
- 17 A. Well --
- 18 Q. 109 In other words you were --
- 19 A. Well, I'm -- I admire the facility with which the English language can be --
- 10:45:30 20 Q. 110 Maybe just answer the question?
- 21 A. -- can be put forward. And I am actually paying you a compliment. No, the way
22 you put that question is as if there was some collusion between myself and Mr.
23 O'Callaghan. No, I had made -- I had made a decision not to acknowledge my
24 involvement in relation to the overall remit of the Tribunal. And if that
10:45:55 25 included Mr. O'Callaghan, yes.
- 26 Q. 111 I suggest that it's the other way around, Mr. Dunlop?
- 27
- 28 CHAIRMAN: Sorry, Ms. Dillon. It was put to Mr. Dunlop that you afforded Mr.
29 O'Callaghan without his knowledge the protection of misleading the Tribunal?
- 10:46:12 30

10:46:12 1 MS. DILLON: Yes. What I was trying to suggest there was in the light of Mr.
2 Dunlop's evidence that he had no conversation with Mr. O'Callaghan concerning
3 his true involvement with councillors. That in his own conduct with the
4 Tribunal he was misleading the Tribunal which had the effect of also providing
10:46:29 5 protection for Mr. O'Callaghan without Mr. O'Callaghan's knowledge.
6

7 CHAIRMAN: Yes. He was insofar as Mr. --
8 A. O'Callaghan.
9

10:46:38 10 CHAIRMAN: Insofar as Mr. Dunlop was misleading the Tribunal, one consequence
11 of that was that Mr. O'Callaghan would presumably not have to deal with the
12 Tribunal.
13

14 MS. DILLON: Yes. That Mr. O'Callaghan wouldn't be aware of Mr. Dunlop's true
10:46:57 15 involvement in Quarryvale and therefore, none of that matter would be dealt
16 with.
17

18 Q. 112 But what I am suggesting to you, Mr. Dunlop, is this. That the only
19 development the subject matter of inquiry between the Tribunal and yourself,
10:47:15 20 between the 6th of October 1998 and April of 2000 was Quarryvale?

21 A. That's correct.

22 Q. 113 And in that period of time you pursued a deliberate course of misleading the
23 Tribunal, isn't that right?

24 A. I certainly did not acknowledge, sorry, excuse me, the core issue.

10:47:28 25 Q. 114 Yes. The core issue was Quarryvale, Mr. Dunlop?

26 A. Yes.

27 Q. 115 Isn't that right.
28

29 JUDGE FAHERTY: Mr. Dunlop, just sorry, Ms. Dillon. Could I just ask you.

10:47:37 30 A. Sorry, Judge.

10:47:38 1
2 JUDGE FAHERTY: Are you all right?
3 A. Yeah, yeah, yeah.
4
10:47:39 5 JUDGE FAHERTY: Can I ask you, you have acknowledged that to Ms. Dillon --
6 A. Uh-huh uh-huh.
7
8 JUDGE FAHERTY: -- that you weren't. And between October 1998 and April 2000
9 what was the impetus for your, for that decision or strategy that you had
10:47:57 10 devised?
11 A. The impetus not to acknowledge my core activity?
12
13 JUDGE FAHERTY: Yes.
14 A. The impetus was that first of all if I said if I wrote to the Tribunal and said
10:48:12 15 by the way, I would just like to tell you that on such and such a date I gave
16 so much money to such and such a Councillor for his support or her support in a
17 given issue, Krakatoa would occur. And I wasn't, I wasn't prepared for or
18 willing to, at that time to either generate such an earthquake or to be a
19 participant in it.
10:48:54 20
21 JUDGE FAHERTY: Just one other --
22 A. Sorry, Judge.
23
24 JUDGE FAHERTY: Just one other matter that occurred to me a little earlier
10:49:01 25 just while, you had said earlier I think to Ms. Dillon you were asked by her
26 did you ever tell journalists that the Tribunal would be successful and you
27 said, no, I think and you held the opposite view. And you would have, while
28 you wouldn't say you promoted that but you would certainly have discussed that
29 that it would go nowhere?
10:49:20 30 A. Yes.

10:49:21 1
2 JUDGE FAHERTY: And I think you were asked by Ms. Dillon and agreed that the
3 majority of people you were speaking to and you were talking about politicians
4 and journalists at that time? She put it to you that they weren't people that
10:49:35 5 were before the Tribunal. And you replied "not then."
6 A. Yes.
7
8 JUDGE FAHERTY: And I just wanted to ask you what did you mean by that?
9 A. Well, there was no involvement by anybody in relation to the Tribunal at that
10:49:51 10 stage other than if you park the first Module, what we'll call what I think is
11 called the Gogarty Module. If you forget about that for the moment.
12
13 JUDGE FAHERTY: Yes. But you were talking to two groups of people here,
14 politicians?
10:50:05 15 A. There was one politician involved in the Gogarty Module.
16
17 JUDGE FAHERTY: Yes, yes, yes.
18 A. Apart from that no other politician or no other, it doesn't matter of what rank
19 high, middle or low.
10:50:17 20
21 JUDGE FAHERTY: Yes.
22 A. Was there any indication on the radar that any such politician would ever be
23 called to the Tribunal.
24
10:50:24 25 JUDGE FAHERTY: No, no, no, that's not quite the focus of my question.
26 A. Fine.
27
28 JUDGE FAHERTY: I understood the question asked of you and we can go back and
29 maybe I have misinterpreted it or indeed misinterpreted your answer. That in
10:50:36 30 the context of Ms. Dillon asking you what discussions you were having with

10:50:40 1 people, we can forget about the first Module. Just talking about --

2 A. Sure.

3

4 JUDGE FAHERTY: The characters involved in that. But outside of the Tribunal

10:50:49 5 you were talking to journalists and you were talking to politicians?

6 A. Yes.

7

8 JUDGE FAHERTY: And you agreed with Ms. Dillon, as I understand it, that you

9 were talking with those two bodies, if you like, in the context that the

10:51:01 10 Tribunal was going nowhere?

11 A. Yes.

12

13 JUDGE FAHERTY: And Ms. Dillon put it to you that those people to whom you

14 were speaking at that time weren't themselves involved in the Tribunal?

10:51:11 15 A. No, they weren't.

16

17 JUDGE FAHERTY: And you said "not then."

18 A. But subsequently. But subsequent, what I meant by that is subsequently --

19

10:51:19 20 JUDGE FAHERTY: Some section of those bodies then subsequently, as I

21 understand it, be it the politicians you're talking about or the journalists

22 became involved with the Tribunal?

23 A. Yes.

24

10:51:30 25 JUDGE FAHERTY: And I don't want you to name anybody, Mr. Dunlop.

26 A. No, no, no, I'm not going to name anybody.

27

28 JUDGE FAHERTY: That happened obviously, but I would like to know --

29 A. Yes.

10:51:38 30

10:51:38 1 JUDGE FAHERTY: What politicians you were discussing the invariable
2 non-success of the Tribunal with that subsequently became involved with the
3 Tribunal if you follow me?

4 A. Yes, I do.

10:51:52 5
6 JUDGE FAHERTY: And I trust I have understood the question put by Ms. Dillon
7 and your response heretofore correctly?

8 A. No, no, no, it's perfectly understandable, perfectly legitimate question in the
9 context. I have given evidence heretofore in relation to, and I think God
10 forbid that this is going to happen again and I don't suggest that it ought.

11 And I have provided a list of names of people that I did discuss various --
12

13 JUDGE FAHERTY: That's what I want to ask you. Is that the list that you have
14 previously given?

10:52:23 15 A. Correct. Various issues. Various people both politicians and journalists.
16 And I gave, you know, I gave graphic evidence on one occasion which one person
17 told me to be careful what I said on the telephone because my phone was being
18 tapped. And I gave a list of journalists to whom I had discussed, with whom I
19 had discussed various aspects of the Tribunal. And again, I gave rather
20 graphic evidence in that context in which it was being discussed the then
21 Chairman, where did the then Chairman come from, who appointed him, what was
22 his background and/or his political pedigree? These were the type of issues
23 that were being discussed.

24
10:53:11 25 Certainly in the context of politicians, and I think I've given a list of
26 those, there were discussions along the lines that I have outlined with Liam
27 Lawlor, like if you don't tell them anything, nothing will happen. So we
28 never -- nobody ever got anything, nobody was ever paid anything. You never
29 gave us money, whatever. That was the general thrust of all of that.

10:53:38 30

10:53:39 1
2 JUDGE FAHERTY: Very well. Sorry, Ms. Dillon.

3 A. Does that help?
4

10:53:42 5 MS. DILLON: Just to continue that point and you can refresh my memory, Mr.
6 Dunlop. In the list that you prepared for the Tribunal and I think it was day
7 356 in relation to the disclosure that you said that you made to people, did
8 you include Mr. Des Richardson on that list?

9 A. No, I did not. I don't think so, no.

10:53:59 10 Q. 116 Now yesterday you told the Tribunal that Mr. Richardson was one of the people
11 with whom you discussed the establishment of the Tribunal and whom you
12 discussed the establishment and the conduct of the Tribunal on an ongoing
13 basis, isn't that right?

14 A. No, I certainly would have -- in the context, I had a relationship with Mr. Des
10:54:18 15 Richardson at that time which was what I would call a political/business
16 relationship in the sense that we attended the same functions, in relation to
17 political matters and that I had a business relationship with him. Sorry. A
18 business relationship with him. And yes, I would not deny for a moment that
19 the issue of the establishment of the Tribunal or the fact that I had or was
10:54:44 20 going to be -- appear before the Tribunal. I wouldn't deny that. I think in
21 fact and I don't mean to have a reductio ad absurdia argument here to say that
22 I discussed it with the doorman of every hotel in Dublin.
23

24 There were people who did raise the matter with me and I said, yes. I never
10:55:04 25 discussed anything of any substance in relation to the Tribunal or any
26 documentation that I had received other than I think in one circumstance where
27 a request had been made to me by the Tribunal for information in relation to a
28 particular matter which Mr. Richardson and I and others were involved.

29 Q. 117 That all happened after April 2000?

10:55:26 30 A. Yes.

- 10:55:26 1 Q. 118 At the moment we're concentrating, Mr. Dunlop, on 1998, 1999 leading up to
2 April 2000. And the question I had asked you --
- 3 A. Uh-huh.
- 4 Q. 119 -- I think to which you have just given that reply was whether or not when you
10:55:40 5 were asked to disclose to the Tribunal the people with whom you had discussed
6 the Tribunal, whether in the first instance you had included Mr. Des
7 Richardson's name and I think you have now said, no, you didn't?
- 8 A. No.
- 9 Q. 120 Can I ask you whether you -- and I -- maybe perhaps you would tell the Tribunal
10:55:55 10 why you left Mr. Richardson out?
- 11 A. Well, certainly he wouldn't not have loomed large m in my mind in the context
12 of giving that list on that particular day in relation to the people that I had
13 far more indepth, if you like to use the phrase, conversations with people like
14 journalists and politicians in relation to the Tribunal.
- 10:56:16 15 Q. 121 And Mr. Tim Collins, would you have discussed with Mr. Tim Collins the
16 establishment of the Tribunal?
- 17 A. I don't think I ever discussed it with him. I may have mentioned, for a period
18 of time he worked in Ambrose Kelly's office and it is conceivable that on
19 occasion I might have said something to him. I was in Mr. Kelly's office in
10:56:41 20 the company of Mr. Lawlor on many occasions. I probably did allude to the fact
21 that the Tribunal had been established.
- 22 Q. 122 Yes. Mr. Collins in fact would have been a person who would have been affected
23 by your disclosures to the Tribunal because he was a person who was involved
24 and subsequently became apparent in a number of the developments in which you
10:57:04 25 had made corrupt payments, isn't that right?
- 26 A. Yes. But not in any sense of diversion. Mr. Collins' involvement with me in
27 relation to the specific matters that I gave evidence in subsequent Modules
28 would never have arisen on the horizon at that stage in my mind.
- 29 Q. 123 You would have to accept I think, Mr. Dunlop, that Mr. Collins was a person who
10:57:23 30 was going to be affected by your disclosures to the Tribunal when you came to

- 10:57:28 1 make them, isn't that right?
- 2 A. Yes.
- 3 Q. 124 Because Mr. Collins was involved in the developments with you, isn't that the
4 position?
- 10:57:31 5 A. Yes. The position in relation to the 6th of October 1998 until April/May of
6 2000 concentrated as you have correctly said on Quarryvale.
- 7 Q. 125 Yes.
- 8 A. And the establishment of the Tribunal in relation to the planning matters in
9 relation to that and it was with, I think, some surprise that the Tribunal
10:57:58 10 having been established allegedly with the remit to look into the development
11 of Quarryvale began with a completely different issue that nobody had ever
12 known about.
- 13 Q. 126 Yes.
- 14 A. I certainly knew nothing about.
- 10:58:14 15 Q. 127 Are you suggesting that the Tribunal was established to inquire into
16 Quarryvale?
- 17 A. I am suggesting the remit of the Tribunal as is set up by the order of the
18 Oireachtas was to look into planning issues in relation to Dublin County
19 Council, and whether there was corrupt activities involved and whether people
10:58:32 20 had received beneficial gain in relation to their statutory duties.
- 21 Q. 128 Yes. I think the correct position, Mr. Dunlop, is that the Tribunal was
22 initially established to inquire into a letter of the 8th of June 1989 written
23 on behalf of Michael Bailey and Thomas Bailey to Mr. Gogarty on behalf of JMSE
24 in connection lands in north County Dublin, isn't that the position?
- 10:58:57 25 A. Uh-huh.
- 26 Q. 129 The parties named in the Terms of Reference at that stage did not include nor
27 indeed subsequently Quarryvale or matters of such as that sort?
- 28 A. Correct.
- 29 Q. 130 It was in the course of the ongoing inquiries by the Tribunal that these
10:59:08 30 matters started to come to light and in particular with the Tribunal's dealings

10:59:11 1 with Mr. Tom Gilmartin, isn't that the position?

2 A. Yes.

3 Q. 131 So it would be fair to say that the initial import of the Tribunal was not,
4 contrary to what you have just suggested, to inquire into Quarryvale, isn't
10:59:22 5 that right?

6 A. No, I didn't mean to imply anything other than what is a fact, other than to
7 say what I'm talk talking about is the general perception that in the period
8 that you have asked me about the 6th of October '98 to April May 2000. As far
9 as I'm concerned was Quarryvale.

10:59:42 10 Q. 132 Yes. And in February of 1998. At 13110.
11
12 Mr. Dunlop, and as we go through these diary entries I will just draw a few
13 matters to your attention. On the 4th of February 1998 you have an entries for
14 Mr. Des Richardson, isn't that right?

11:00:03 15 A. Yes.

16 Q. 133 And on the 5th of February 1998 Mr. Gilmartin had his first contact with the
17 Tribunal. Were you aware in February of 1998 that Mr. Gilmartin had been in
18 contact with the Tribunal?

19 A. I can't tell you when I became aware of Mr. Gilmartin's involvement with the
11:00:24 20 Tribunal. No. I can't specifically tell you when I became aware. I couldn't
21 say definitively. But I became aware of Mr. Gilmartin's involvement with the
22 Tribunal either through the media or through Liam Lawlor.

23 Q. 134 All right. And insofar as you knew Mr. Gilmartin --

24 A. Uh-huh.

11:00:50 25 Q. 135 -- and insofar as you knew of Mr. Gilmartin's opinion of you, what was your
26 view when you became aware that Mr. Gilmartin was making complaints to the
27 Tribunal?

28 A. My view, which hasn't changed, is that I met Mr. Gilmartin on the number of
29 occasions that I have given evidence to the effect. I thought he was a fairly
11:01:11 30 focused individual.

- 11:01:12 1 Q. 136 You don't understand my question. I don't wish to cut across you, Mr. Dunlop.
2 What I'm trying to find out from you now is when you became aware that Mr.
3 Gilmartin was talking to the Tribunal, what was your own reaction to that
4 information in the light of the knowledge that you had about Mr. Gilmartin's
11:01:28 5 opinion of you?
6 A. Well, I can't specifically say. I have to say to you that, and I'm not
7 accusing you of cutting me off. But I have to say to you that all I knew of
8 what Tom Gilmartin, of Tom Gilmartin was what I knew of him having met him
9 myself and what I had been experiencing of him from other people. And that I
11:02:07 10 think the attitude would have been, and I can only speak for myself, that it
11 was one which I bought into, is that he was something of a loose cannon.
12 Q. 137 What I had asked you about, Mr. Dunlop, is what was your reaction in the light
13 of the opinion that you have told the Tribunal that Mr. Gilmartin expressed
14 about you. And let me remind you, Mr. Dunlop, that you have told the Tribunal?
11:02:30 15 A. Uh-huh.
16 Q. 138 That the reason why payments were routed through Shefran was to keep your
17 involvement in Quarryvale a secret from Mr. Gilmartin because Mr. Gilmartin did
18 not like you and discussed your activities and indeed I think in his statements
19 referred to, as he described you as 'a bag man for politicians,' isn't that
11:02:49 20 right?
21 A. Yes.
22 Q. 139 And you have told the Tribunal in your own direct evidence when you were here
23 last month that you were aware of Mr. Gilmartin's opinion of you, isn't that
24 right?
11:02:57 25 A. Yes, I was.
26 Q. 140 And are you then I suggest to you, Mr. Dunlop, must when you became aware that
27 Mr. Gilmartin was talking to the Tribunal have been concerned for your own
28 position, isn't that right?
29 A. I can't say how large or otherwise my concern was but obviously it did feature
11:03:19 30 as something of a concern, yes. But I can't say how big or small that was.

- 11:03:23 1 Q. 141 Your concern and in connection with Mr. Gilmartin was sufficient in 1991 for
2 £175,000 to be paid through Shefran Limited rather than paid through Frank
3 Dunlop if your evidence is correct, Mr. Dunlop, in order to keep your
4 involvement in Quarryvale a secret from Mr. Gilmartin, isn't that right?
- 11:03:42 5 A. That is correct.
- 6 Q. 142 That is your position and your explanation for why the money was routed in that
7 particular way, isn't that correct?
- 8 A. That is correct.
- 9 Q. 143 You have accepted that Mr. Gilmartin and Mr. O'Callaghan agrees that Mr.
11:03:53 10 Gilmartin did not want you involved in Quarryvale in any way, isn't that right?
- 11 A. That is correct.
- 12 Q. 144 And that Mr. Gilmartin distrusted you, isn't that right? He didn't want you
13 there?
- 14 A. He disgusted me?
- 11:04:05 15 Q. 145 Distrusted you?
- 16 A. Oh, sorry.
- 17 Q. 146 Yes.
- 18 A. I can only go on the basis, on the evidence that Mr. Gilmartin has given and
19 the telephone conversation I had with him on one occasion when he says he
11:04:23 20 didn't want me.
- 21 Q. 147 Yes. And also leaving aside those conversations, the fact that you agreed with
22 Mr. O'Callaghan that the funds that you were to be paid would be routed in a
23 particular way so that they would be kept secret from Mr. Gilmartin, isn't that
24 right?
- 11:04:35 25 A. That's correct.
- 26 Q. 148 So that it's more than just a telephone conversation. You set in place a
27 system of concealed payments between yourself and Mr. O'Callaghan for the
28 purpose of ensuring that Mr. Gilmartin didn't find out about the payments,
29 isn't that right?
- 11:04:47 30 A. As per the advice of Mr. O'Callaghan.

11:04:49 1 Q. 149 Right?

2 A. That Mr. Gilmartin was not to ...

3 Q. 150 Now, Mr. Gilmartin didn't trust you, Mr. Dunlop, isn't that right? He didn't

4 want you and he didn't trust you?

11:04:59 5 A. Well, I'm not going to comment about Mr. -- Mr. Gilmartin not trusting me.

6 That's a matter for him.

7 Q. 151 All right.

8 A. It's obvious that he didn't want me.

9 Q. 152 All right. So Mr. Gilmartin didn't want you and when you became aware that Mr.

11:05:14 10 Gilmartin was making complaints to the Tribunal was it of any concern to you

11 that he might have been making complaints about yourself?

12 A. Oh, I think there was some concern on that basis, yes. How large or small it

13 was, I can't say to you specifically now in retrospect. But certainly I would

14 have said as soon as I became aware that Mr. Gilmartin was involved and I have

11:05:35 15 used the phrase 'loose cannon' God alone knows what he said.

16 Q. 153 All right. And did you become aware in February 1998 that Mr. Gilmartin was

17 talking to the Tribunal?

18 A. That I cannot say to you when I became aware that he was talking to the

19 Tribunal. By that I presume you mean in private?

11:05:51 20 Q. 154 Yes.

21 A. Or publicly?

22 Q. 155 That Mr. Gilmartin was talking?

23 A. Yes.

24 Q. 156 Did you become aware in February 1998 that Mr. Gilmartin was talking to the

11:06:00 25 Tribunal?

26 A. No, I can't tell you when I became so aware that he had been talking to the

27 Tribunal. Obviously I did at some stage become aware that he was talking or

28 had been talking to the Tribunal, I can't specifically but the a date on that.

29 Q. 157

11:06:12 30

- 11:06:13 1 Q. 158 If I could have 13112 please.
2
3 On the following two weeks later you will see on the 18th of February 1998.
4 A. Yes.
- 11:06:24 5 Q. 159 First of all if you look at the 16th of February and you will see that there
6 was an interview with Helen Cliff about Quarryvale and it's postponed, do you
7 see that on the 16th?
8 A. Yes, yes.
- 9 Q. 160 And then if you go across to the 18th of February 1998 and you have a meeting
11:06:39 10 with Des, which I suggest is Des Richardson?
11 A. Yes, it is.
- 12 Q. 161 And then you have a lunch at 1:30 with Mr. O'Callaghan in the Deadman's Inn
13 which appears to be cancelled, and then you meet with Mr. O'Callaghan in the
14 Green Isle Hotel?
- 11:06:53 15 A. Yes, yes.
- 16 Q. 162 At that stage would you have been discussing the Tribunal with both
17 Mr. Richardson and Mr. O'Callaghan separately?
18 A. Certainly with, the likelihood is with Mr. O'Callaghan. With Mr. Richardson, I
19 cannot say definitively. It is likely that I, that it may have been mentioned
11:07:14 20 but certainly I would not have been discussing it with him in the same context
21 that I would be discussing it with Mr. O'Callaghan.
- 22 Q. 163 And do you know why on the 16th of February that interview or whatever it was
23 in connection with Quarryvale was cancelled?
24 A. I don't. It says "postponed". I don't. No, I can't say that I do.
- 11:07:38 25 Q. 164 Right. On the following week --
26
27 13113, please.
28
29 On the 25th of February you again meet Mr. Richardson in the Berkley Court,
11:07:50 30 isn't that right?

- 11:07:51 1 A. Uh-huh.
- 2 Q. 165 And you meet or you have a telephone note to yourself ahead of that to ring
- 3 Mr. Bolger, isn't that right?
- 4 A. Yes.
- 11:07:57 5 Q. 166 And Mr. Bolger was the person to whom you had paid 60,000 Pounds for the horse,
- 6 isn't that right?
- 7 A. Yes.
- 8 Q. 167 In 1992 I think it was, isn't that the position?
- 9 A. Yes.
- 11:08:07 10 Q. 168 And on the 26th of February 1998 Mr. Gilmartin had again spoken to counsel to
- 11 the Tribunal and he had distrusted you. Were you aware by late February that
- 12 Mr. Gilmartin was talking about you to the Tribunal?
- 13 A. No. I cannot say to you when I became aware that Mr. Gilmartin was talking to
- 14 the Tribunal counsel privately or when I became aware that he was talking about
- 11:08:36 15 me. Obviously I did at some stage become so aware but I can't say when that
- 16 actually occurred.
- 17 Q. 169 Well, I think it might be, we'll just go through the documents and see. And I
- 18 think throughout this entire period you were invoicing Barkhill for your
- 19 monthly retainer, isn't that right?
- 11:08:51 20 A. That's correct, yes.
- 21
- 22 Q. 170 That's 13114.
- 23
- 24 And you were being paid 650 a month, that's 60,000 Pounds a year from Barkhill,
- 11:09:02 25 isn't that right?
- 26 A. That's correct.
- 27 Q. 171 And at this stage in 1998 the main job that was on hand was the lifting of the
- 28 cap, isn't that right?
- 29 A. Correct, yes.
- 11:09:10 30 Q. 172 And you have told the Tribunal under cross-examination by Mr. Michael O'Higgins

11:09:14 1 in one Module and to Mr. Pat Hanratty I think in April of 2000, that you in
2 fact did little or nothing to assist in the lifting of the cap, isn't that
3 right?
4 A. That's correct, yes.

11:09:25 5 Q. 173 And that Mr. O'Callaghan having met all of the councillors himself at this
6 stage continued whatever dealings he needed to have with either councillors or
7 with officials to secure the lifting of the cap, isn't that right?
8 A. That's correct, yes.

9 Q. 174 And that other than having some discussions which you think you may have had
11:09:45 10 some people you had nothing to do with it?
11 A. That's right.

12 Q. 175 Other than the lifting of the cap on Quarryvale in 1998 why were you being
13 paid, Mr. Dunlop?
14 A. It was a retainer payment. A monthly retainer payment that had been agreed
11:09:59 15 between Mr. O'Callaghan and myself. It might entail some activity and it might
16 not entail any activity, as with other clients.

17 Q. 176 So the purpose of paying a retained is that they can call upon your services as
18 they need them and you will answer the call as it were?
19 A. Correct.

11:10:16 20 Q. 177 So that if something arose, something unusual like say for example the
21 controversy about Horgan's Quay, you would step into the breach, as it were?
22 A. Well, Horgan's Quay while it would relate to the main proponent in the context
23 of Barkhill and O'Callaghan Properties, Mr. Owen O'Callaghan, it certainly
24 wouldn't pertain to anything to do with Quarryvale.

11:10:42 25 Q. 178 All right. So are you saying then that this retainer is a Quarryvale related
26 retainer?
27 A. Yes, and I was paid separately for Horgan's Quay.

28 Q. 179 And therefore, if there was any other separate matter you handled on behalf of
29 Mr. O'Callaghan you invoiced separately in relation to that. But the Tribunal
11:10:56 30 may take it that all of the retainers that were paid were paid in connection

11:10:59 1 with Quarryvale?

2 A. Yes.

3 Q. 180 And I think if we look at 13122.

4

11:11:03 5

6 And I just want to draw to your attention there an entry about which you have

7 already given evidence that is the 3rd of March 1998.

8 A. Yes.

9 Q. 181 It's an entry, LC, which you have told the Tribunal is Liam Cosgrave at the

11:11:20 10 Davenport. And you say that on that occasion you paid him 1,000 Pounds in cash

11 at that meeting, isn't that right?

12 A. Yes, yes.

13 Q. 182 And you did so in connection with Saint Gerard's in Bray development?

14 A. Yes.

11:11:33 15 Q. 183 Therefore, it is clear that by March 1998 you had no real concerns about the

16 Tribunal because you were continuing your activities?

17 A. Yes.

18 Q. 184 Right. And again at 13123.

19

11:11:50 20 On the 9th of March you meet Mr. Des Richardson again.

21 A. Uh-huh.

22 Q. 185 Isn't that right?

23 A. Yes, at 11 o'clock, yes.

24 Q. 186 Right. And it would appear so far from your diaries in '98 that you are

11:11:58 25 meeting with Mr. Richardson on a weekly basis, Mr. Dunlop?

26 A. Yes, in the context of the ones that you put forward, yes, that would appear to

27 be the case.

28 Q. 187 And you don't appear to be meeting Mr. O'Callaghan or Mr. Kelly on a weekly

29 basis, isn't that right?

11:12:12 30 A. Correct.

- 11:12:12 1 Q. 188 Now I think the at this stage that there was some activity in relation to the
2 stadium, isn't that right, in 1998?
- 3 A. Yes, there was.
- 4 Q. 189 This was the idea of moving Wimbledon to Dublin?
- 11:12:23 5 A. Well, there were two stages to it, there was an idea of building the stadium
6 and then the idea of moving Wimbledon to Dublin came subsequently.
- 7 Q. 190 All right. And at 18129.
8
9 You have an entry on the 23rd of March '98 for Mr. Hugh McGowan at F. D. A.
- 11:12:43 10 A. Yes.
- 11 Q. 191 And that's your accountant, isn't that right?
- 12 A. Correct.
- 13 Q. 192 And is it the correct position, Mr. Dunlop, that at this stage on the 23rd of
14 March 1998 you had not made full disclosure to your accountant of the true
11:12:57 15 nature of the receipts, the money that you had been in receipt of?
- 16 A. Correct.
- 17 Q. 193 Right. Is it also the position that Mr. McGowan was a director of Shefran,
18 isn't that right?
- 19 A. That's correct.
- 11:13:05 20 Q. 194 And it's also the position I think, that Mr. McGowan was instrumental in
21 setting up the Xerxes Company for you in Jersey, isn't that right?
- 22 A. Correct.
- 23 Q. 195 And Mr. McGowan was also instrumental in having returned to Ireland the 40,000
24 Pounds that was used to pay Mr. Bolger, isn't that right?
- 11:13:26 25 A. That's right.
- 26 Q. 196 It would follow from that that Mr. McGowan at a minimum must have been aware of
27 the existence of Xerxes?
- 28 A. He established it on my behalf.
- 29 Q. 197 And he was also aware of the existence of Shefran, isn't that right?
- 11:13:38 30 A. Yes.

11:13:39 1 Q. 198 And indeed I think he organised the payment of the 30,000 Pounds in connection
2 with the Tunny option, isn't that right?
3 A. On the Naas Road, yes.
4 Q. 199 And that money was drawn in fact on the account of Shefran, isn't that right?
11:13:48 5 A. Yes.
6 Q. 200 At Allied Irish Bank?
7 A. Correct.
8 Q. 201 So that Mr. McGowan was in possession of some information about your
9 activities?
11:13:58 10 A. In relation do those companies and accounts, yes.
11 Q. 202 It's ten past eleven, Sir. It might be appropriate to give Mr. Dunlop a break
12 at this stage.
13
14 CHAIRMAN: All right. We'll break for ten or fifteen minutes.
11:14:27 15 A. Thank you, Sir.
16
17
18 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**
19 **AND RESUMED AS FOLLOWS:**
11:14:32 20
21
22 MS. DILLON: Mr. Dunlop, you earlier this morning said to the Tribunal that
23 when I had asked you a question in connection with the protection that the best
24 protection you could give yourself from inquiry was to ensure that your corrupt
11:37:07 25 activities wouldn't become known to the Tribunal, and that in hiding your
26 corrupt activities from the Tribunal you were trying to destabilise the
27 Tribunal. And in reply to that you said and I quote "I don't think that ever
28 loomed large in my mind as to destabilise the Tribunal. I think there were
29 enough people trying to do that already".
11:37:28 30

- 11:37:28 1 Can I take you back to that answer, Mr. Dunlop, and ask you what did you mean
2 by the fact that there were enough people trying to destabilise the Tribunal?
- 3 A. Yes, I think that's a fairly legitimate question on your part in the context of
4 my answer. The proposal that you were putting to me, or the orientation that
11:37:48 5 you were outlining, was that there was some sort of conspiracy between myself
6 and politicians or journalists or others. There was no conspiracy. Everybody
7 regarded this place as, as I said, as a joke. Populated by muppets and that
8 there was absolutely, not only was it not going anywhere, but the likelihood
9 was that it would lose its way and politicians or journalists, or people like
11:38:35 10 myself who expressed a view along those lines, did so in circumstances when we
11 saw what was happening from the outset. And you asked me about, you asked me
12 also about in this particular context was I concerned about Tom Gilmartin from
13 the outset. As far as I was concerned, and you did sort of intervene at that
14 stage as I began to answer that question. From the outset --
- 11:39:14 15 Q. 203 I am going to --
- 16 A. I regarded Mr. Gilmartin as a buffoon.
- 17 Q. 204 I am going to intervene again, Mr. Dunlop, and we'll just stay with this until
18 you answer the question that you are asked, Mr. Dunlop?
- 19 A. Buffoon.
- 11:39:32 20 Q. 205 You told the Tribunal this morning I quote. These are your words and your
21 sworn evidence "I think there were enough people trying to do that already"
22 meaning to destabilise the Tribunal. I am asking you what did you mean by
23 that? In other words, what I want you to explain to the Tribunal is your
24 knowledge of the people who were trying to destabilise the Tribunal?
- 11:39:48 25 A. But sure everybody did, there was no need. In effect there was no need to
26 destabilise it if the true answer was what was people's attitude. People knew
27 that it would destabilise itself ultimately. That was the attitude including
28 the people who established the Tribunal and by that I mean specifically the
29 politicians in Leinster House.
- 11:40:09 30 Q. 206 Are you saying to the Tribunal that the politicians in Leinster House who

11:40:14 1 established this Tribunal had an interest in destabilising the Tribunal?

2 A. I am saying specifically to you that there is a strong body of opinion in

3 Leinster House from day one, notwithstanding any vote that took place for the

4 establishment for this Tribunal, people can be whipped into voting lobbies as

11:40:35 5 we well know. I've done it myself. People can be whipped into voting lobbies

6 the drop of a hat. There was a strong body of opinion in Leinster House from

7 day one. And remember the circumstances in which this Tribunal was established

8 from day one, that this Tribunal was established as some sort of PR exercise

9 that would last at most six months and that would be the end of it.

11:40:56 10

11 CHAIRMAN: Mr. Dunlop, as one of those muppets, can I ask you --

12 A. I am just saying what the view. Chairman, it's the seasonal, festive season.

13 What I'm -- Ms. Dillon has asked me. I am trying to express the view as

14 graphically as I can. I don't want to ...

11:41:17 15

16 CHAIRMAN: I mean, we are not seeking necessarily information about

17 individuals and politicians and others who didn't like the Tribunal or who were

18 negative about the Tribunal or who were, we're really interested if there was

19 people actually strategising about how this Tribunal might collapse, or might

11:41:47 20 be brought to an end prematurely without getting any information. We're not

21 just interested, we're not interested in knowing about people's, merely

22 people's opinion. All right?

23 A. Yes, I appreciate the point. And again, Mr. Chairman, I am just replying to

24 Ms. Dillon. There is nothing personal in any of this, and it's difficult

11:42:10 25 enough for me to give evidence.

26

27 CHAIRMAN: No, no, no.

28 A. But there are occasions when it is necessary, I feel that the load has been put

29 on my back and I'm just saying, yes, of course, I discussed these matters with

11:42:23 30 other people. The whole country was discussing the Tribunal. It was classic

11:42:30 1 unbuyable entertainment from the first moment it started. But to come back to
2 the core question that you've asked me. No, I think it would be wrong for me
3 to suggest that people were actually sitting down and strategising as to how
4 they would bring the Tribunal to an end, or to see that it didn't fulfil its
11:42:52 5 remit. I think the attitude of people was very relaxed. It's going nowhere.
6 We've had all of this before. We've had all of these inquiries before. Where
7 did it get your man, the Chairman, you know, comment by Liam Lawlor to me on
8 many occasions was to the effect that this is going nowhere, we've had it all
9 before. The Guards have inquired into this twice, three times, I don't know
11:43:19 10 how many times. Nobody has attested to anything. Nobody has admitted to
11 anything. Everybody has denied everything. The same thing will happen here
12 and the thing will last for a defined period.

13

14 CHAIRMAN: All right.

11:43:31 15

16 MS. DILLON: And insofar as you had that conversation you say with Mr. Lawlor,
17 did you have a similar conversation with other politicians?18 A. I certainly would have had a similar type of conversation with elected members
19 of Dublin County Council.

11:43:47 20

21 Q. 207 So we start with senior politicians and we start with the members of Dail
22 Eireann for example. Did you have similar discussions with members of Dail
23 Eireann?24 A. No. I don't think I ever had any substantive discussion with any member of
25 Dail Eireann from the establishment of the Tribunal to my appearance before the
11:44:07 26 Tribunal, other than some comment to the effect that I had received
27 documentation and that I might have to appear.

28 Q. 208 And did you have discussions with Mr. Lawlor who was a member of Dail Eireann?

29 A. Regularly.

30 Q. 209 Did you discuss it with Mr. Des Richardson?

11:44:24

A. No. Other than what I said to you earlier on this morning in relation to the

- 11:44:29 1 context of my relationship with Des Richardson. I would have said something to
2 the effect that this Tribunal has been established and that I have got
3 documentation about it and that I have to apply reply. Again, Ms. Dillon, it
4 would have been in the context of my buying into the general overview that,
11:44:48 5 okay, you know, it's a bit of a pain in the butt but it's not going to last for
6 very long.
- 7 Q. 210 Okay. Other politicians such as Mr. Liam Cosgrave or Mr. Don Lydon or Mr. GV
8 Wright for example?
- 9 A. Yes.
- 11:45:02 10 Q. 211 Did you have similar discussions with them?
- 11 A. Yes, and I gave evidence to the effect earlier on and I attested to it again
12 this morning that Mr. Don Lydon said to me, you know, you want to watch what
13 you say on the telephone because they're tapping your phone.
- 14 Q. 212 When I ask you did you have similar conversations, I am asking you
11:45:16 15 specifically, Mr. Dunlop, whether you had similar conversations with those
16 politicians to the conversations you've outlined to the Tribunal you had with
17 Mr. Lawlor?
- 18 A. Yes. Not to the same extent I hasten to add. But certainly to the extent that
19 people were of the view that as I have outlined, and sure what can they do when
11:45:36 20 we don't tell them anything.
- 21 Q. 213 Insofar as you had an involvement before the Tribunal. There were, you had a
22 number of significant payers who were involved in your business, isn't that
23 right? Whose income as paid to you, you had not disclosed, isn't that the
24 position?
- 11:45:52 25 A. Yes.
- 26 Q. 214 Yes. They would have included the National Toll Roads, isn't that right?
- 27 A. Correct.
- 28 Q. 215 You would have included Barkhill and Riga, isn't that right?
- 29 A. Sorry, I didn't disclose Barkhill and Riga. To whom?
- 11:46:07 30 Q. 216 The payments you received to Shefran?

- 11:46:10 1 A. Yes, sorry.
- 2 Q. 217 In other words, these payments that you had kept out of the accounts of Frank
3 Dunlop & Associates?
- 4 A. Correct.
- 11:46:15 5 Q. 218 And there were other developers who had similarly funded your activities and
6 whose funds you had taken and had lodged to accounts that hadn't been
7 disclosed, isn't that correct?
- 8 A. That's correct, yes.
- 9 Q. 219 And insofar as you received those funds, Mr. Dunlop, did you keep a record ever
10 of those monies that you received and from whom they were received?
- 11 A. No, I don't believe I did.
- 12 Q. 220 And can I just show you 13130.
13
14 I want to ask you about here, Mr. Dunlop. And this is now March 1998. And I
11:46:52 15 want to show you the entry on the 4th, Saturday the 4th which relates to a
16 financial transaction with Mr. Duignan about Ardboyne?
- 17 A. Yes.
- 18 Q. 221 And it notes at the bottom "met and agreed 25,000, half on Friday next the 10th
19 and remainder by the end of the month F D."
- 11:47:09 20 A. Yes.
- 21 Q. 222 Now, that is a notation of an agreement you made with Mr. Duignan, isn't that
22 right?
- 23 A. Correct.
- 24 Q. 223 And it's not overwritten and it's not treated in the way that we saw yesterday,
11:47:20 25 that the notes or records of your agreement with Mr. O'Callaghan were
26 overwritten, isn't that right?
- 27 A. Correct.
- 28 Q. 224 Why is that?
- 29 A. I had a business relationship with this gentleman.
- 11:47:33 30 Q. 225 No, no. I don't think you really understand the question. Why is it that your

11:47:37 1 financial record of this dealing with Mr. Duignan was not overwritten being a
2 matter that's clearly not relevant to the Tribunal and Mr, the entry in
3 relation to Mr. O'Callaghan's was?
4 A. Well, obviously I didn't regard this, this notation or this note about my
11:47:53 5 agreement with Mr. Duignan to be of any relevance to anybody.
6 Q. 226 Yes. You had similarly regarded the entries that were disclosed yesterday in
7 relation to Citywest, isn't that right, as not being relevant to the Tribunal
8 and you had overwritten them, isn't that right?
9 A. Yes.
11:48:06 10 Q. 227 Now, therefore, you took one approach in relation to Citywest and the financial
11 entries there and you covered up those, isn't that right?
12 A. Yes.
13 Q. 228 You didn't cover up the entry in relation to Mr. Duignan and that's why I'm
14 asking you why not?
11:48:24 15 A. My immediate response to you is I didn't, I had an arrangement with him. It
16 was a buy-out of a business arrangement I had with the man. And I just made a
17 note of it so that if Mr. Duignan ever came back to me and said I didn't agree
18 that I said I made a note in my diary. I can't specifically say to you why I
19 didn't overwrite it.
11:48:45 20 Q. 229 All right. Is that why you made these entries in your diaries, Mr. Dunlop, to
21 keep a record of the agreements that you had made so that if anybody ever came
22 back and said I never made such an agreement you had your records there?
23 A. In general, yes.
24 Q. 230 Would it be fair to say that's the same reason you made the entries in relation
11:49:02 25 to your telephone conversations with Mr. O'Callaghan and your agreements with
26 him. You were keeping a record of what you'd agreed with Mr. O'Callaghan,
27 isn't that right?
28 A. In the main, yes.
29 Q. 231 Or indeed a record of what you had agreed with Mr. David Shubotham, isn't that
11:49:19 30 right?

- 11:49:19 1 A. Yes.
- 2 Q. 232 So that the purpose of making these entries in your diary is to provide a
3 record for yourself in relation to the precise terms that you've agreed with
4 someone in connection with something, isn't that right?
- 11:49:24 5 A. Correct, as in this instance.
- 6 Q. 233 And you don't overwrite the Eamonn Duignan entries in your diary, isn't that
7 right?
- 8 A. No.
- 9 Q. 234 But you do overwrite the entries in relation to Mr. Owen O'Callaghan?
- 11:49:34 10 A. Yes.
- 11 Q. 235 And when you received the correspondence from the Tribunal on the 6th of
12 October 1998 you were aware that the subject matter of the Tribunal's inquiry
13 was Quarryvale, isn't that right?
- 14 A. Correct.
- 11:49:43 15 Q. 236 So from the very beginning you would have been aware of the fact that any
16 entries in relation to Quarryvale and Mr. O'Callaghan were relevant, isn't that
17 right?
- 18 A. Yes.
- 19 Q. 237 So in deciding to overwrite the entries in relation to Mr. O'Callaghan and
11:49:55 20 Quarryvale and your agreements with him in 1998, you took a deliberate step,
21 isn't that right, to exclude from the Tribunal its consideration of your
22 contemporaneous note of your agreements with Mr. O'Callaghan?
- 23 A. Yes.
- 24 Q. 238 Right. When did you make those overwritings, Mr. Dunlop?
- 11:50:12 25 A. That as I've said to you previously on either yesterday or when I was here
26 last.
- 27 Q. 239 Uh-huh?
- 28 A. I can't specifically tell you when it was done.
- 29 Q. 240 Uh-huh?
- 11:50:24 30 A. But it was done.

- 11:50:26 1 Q. 241 Yes. You were originally asked to provide copies of certain documentation to
2 the Tribunal, isn't that right? And I think your first discovery, your first
3 discovery to the Tribunal I think was 1999, isn't that right?
- 4 A. Yes, broadly. I can't give you the exact date but, yes, it is around that
11:50:43 5 time, yes.
- 6 Q. 242 And you provided certain redacted copies of your diaries at that stage?
- 7 A. At the request of the Tribunal, yes.
- 8 Q. 243 Yes. And then you were asked for further entries, or further periods of time
9 to be covered by the Tribunal, isn't that right?
- 11:50:55 10 A. Yes, in specific instances from the very beginning I was asked with specific
11 remit in relation to what to provide, contacts with politicians, I can't
12 remember the phraseology in the letters.
- 13 Q. 244 Yes.
- 14 A. But certainly there was in each case there was a specific remit.
- 11:51:11 15 Q. 245 But you weren't asked to provide your original diaries I think until late 2001,
16 isn't that right?
- 17 A. Correct, yes.
- 18 Q. 246 So that in fact the first time that the Tribunal sought and indeed were given
19 by you were the original diaries was, I think, subject to correction, I think
11:51:25 20 October 2001?
- 21 A. Again subject to correction, yes. It's around that time.
- 22 Q. 247 So there wouldn't have been any need to overwrite anything in your diaries, Mr.
23 Dunlop, when you were providing only redacted copies, isn't that right?
- 24 A. Correct.
- 11:51:37 25 Q. 248 All right. So that the necessity of concealing information from the Tribunal
26 would only arise, I suggest to you, when you were asked to hand over the
27 originals?
- 28 A. That is likely, yes.
- 29 Q. 249 So that it follows from that, Mr. Dunlop, that it's likely that you made your
11:51:50 30 overwritings?

11:51:51 1 A. Sorry. You said the last question you asked me there, Ms. Dillon. The only
2 time at which it was of relevance to delete matters from the diary is that what
3 you said?

4 Q. 250 To overwrite matters, when you were asked to provide the original diaries to
11:52:07 5 the Tribunal.

6
7 MR. REDMOND: Mr. Chairman, yet again I have to indulge in crossing logical
8 swords with Ms. Dillon.

9
11:52:15 10 The premise is that it is only when asked for the original diaries that it
11 became an issue as to whether or not to overwrite. And that clearly it was not
12 necessary I think at the time of redaction.

13
14 But at any time after the Tribunal commences its inquiries and until such time
11:52:30 15 as they ask for redacted diaries it would be a logical time within which to
16 conceal information from the Tribunal.

17
18 And therefore, I have to object to the premise of the question unless the
19 entire balance of logical periods is put to the witness.

11:52:44 20
21 MS. DILLON: I will go back to the beginning again in relation to that.

22
23 Q. 251 The first time you were asked to provide your original diaries in their
24 original format, Mr. Dunlop, was in late 2001, isn't that correct?

11:52:55 25 A. In their totality.

26 Q. 252 In their totality?

27 A. Yes.

28 Q. 253 You were asked initially to provide only Quarryvale related entries for a
29 specific period of time, isn't that right?

11:53:06 30 A. Correct. Well, that's why I intervened there in relation to the specific remit

- 11:53:13 1 in each case. I can't remember what the exact remit was for the first request
2 but it was either related to contacts with politicians in relation to
3 Quarryvale or Quarryvale related.
- 4 Q. 254 Because generally you may take it that the first requests the Tribunal made of
11:53:37 5 you, Mr. Dunlop, was Quarryvale related?
6 A. Quarryvale related.
- 7 Q. 255 Yes. Thereafter, you provided some further information to the Tribunal and
8 then you came to give evidence in April 2000, isn't that right?
9 A. Yes.
- 11:53:41 10 Q. 256 Thereafter you provided on a piecemeal basis copies of your diaries as you were
11 asked to do so, isn't that right?
12 A. That's the point, as I was asked to do so, yes.
- 13 Q. 257 But you were never asked to provide your full original diaries until late 2001,
14 isn't that right?
11:53:56 15 A. I think that is correct, yes.
- 16 Q. 258 Right. Now, may the Tribunal take it, Mr. Dunlop, that prior to the 4th of
17 November 1997 there wouldn't have been any necessity to hide anything contained
18 in your diaries insofar as this Tribunal is concerned? In other words, the
19 Tribunal is established on the 4th of November 1997?
11:54:15 20 A. Yes. Well, I didn't even know where my diaries were.
- 21 Q. 259 Yes?
22 A. Well, I did. I had a general idea, but if one asked me to go and get them
23 immediately I probably wouldn't be able to do so.
- 24 Q. 260 So in October and November 1998 when you were first asked to assist the
11:54:30 25 Tribunal you have to consider your diaries because you are being asked to
26 provide information in relation to your diaries and Quarryvale, isn't that
27 right?
28 A. Yes.
- 29 Q. 261 That necessitates a trawl for a specific period. It was approximately a two
11:54:40 30 year period, isn't that right?

- 11:54:41 1 A. Yes.
- 2 Q. 262 And at that time, Mr. Dunlop, did you do the redactions in your diary? Did you
3 do the overwriting in your diary at that period in time?
- 4 A. No, I can't say to you when I did the overwriting specifically. If I could
11:54:57 5 tell you I would. I did the redactions as per the request of the Tribunal and
6 supplied the material. When I actually made any alterations, not alterations,
7 made any deletions, I can't say to you specifically when I did it.
- 8 Q. 263 Did you do them all together?
- 9 A. That I can't say to you either. I'm sorry.
- 11:55:28 10 Q. 264 Did you ever tell the Tribunal that you had done that?
- 11 A. I would tell the Tribunal that, that I had made deletions?
- 12 Q. 265 That you had overwritten entries in relation to Mr. O'Callaghan?
- 13 A. No.
- 14 Q. 266 When was the first time the Tribunal became aware that you had done this?
- 11:55:41 15 A. I think when the Tribunal asked me some, relatively recently.
- 16 Q. 267 Last month?
- 17 A. Yes.
- 18 Q. 268 All right. You never volunteered the information that you had made
19 overwritings in relation to significant entries to do with Mr. Owen
11:55:58 20 O'Callaghan?
- 21 A. Why would I? With, why would I do that? Why would I?
- 22 Q. 269 Just answer the question, Mr. Dunlop?
- 23 A. No, I didn't tell the Tribunal, yes. Why would I?
- 24 Q. 270 And you haven't been able to assist the Tribunal, I suggest to you, Mr. Dunlop,
11:56:15 25 in any meaningful way as to what the content of those entries were, isn't that
26 right?
- 27 A. Correct, yes.
- 28 Q. 271 All right. Unlike the entry that's on screen in relation to Mr. Duignan which
29 you didn't overwrite although you say it wasn't relevant to the Tribunal's
11:56:31 30 inquiries, isn't that right?

11:56:34 1 A. Yes.

2 Q. 272 All right?

3 A. Correct, yes.

4 Q. 273 So why didn't you overwrite that entry in relation to Mr. Duignan?

11:56:44 5 A. I don't want to adopt an uncooperative demeanour here, Ms. Dillon. But I think

6 I've said to you the context in which I didn't overwrite it. I didn't

7 overwrite it obviously because I had an arrangement with this gentleman. We

8 made an agreement. I wrote it in my diary for further reference and put it in

9 a box and forgot about it.

11:57:04 10 Q. 274 Yes. But you had to consider your diaries, Mr. Dunlop, to make the

11 overwritings, isn't that right?

12 A. Yes.

13 Q. 275 So you had to consider this entries in the same way you considered the entries

14 in relation to Mr. O'Callaghan and the entries in relation to Citywest, isn't

11:57:16 15 that right?

16 A. Well, this entry had absolutely no relevance whatsoever to anything to do with

17 the Tribunal.

18 Q. 276 In your opinion?

19 A. Oh, certainly in my opinion, yes. They are my diaries. They are my entries.

11:57:28 20 I own them and I made the entries in it, I put things into my diary, if I met

21 you, for example, for a cup of coffee I might have it in my diary.

22 Q. 277 Yes?

23 A. I mean the fact that I had made a telephone conversation or had a meeting, it

24 was a meeting, with this gentleman in an hotel outside of Dublin and we made

11:57:50 25 this arrangement. I was very anxious to get out of this particular

26 arrangement.

27

28 JUDGE FAHERTY: Mr. Dunlop, can I just perhaps rephrase Ms. Dillon's question?

29 A. Uh-huh.

11:58:02 30

11:58:02 1 JUDGE FAHERTY: Insofar as you had made a decision to do any overwriting, I
2 think what Ms. Dillon is putting to you, it would seem logical from your
3 perspective, as I understand your evidence, that if you were minded to
4 overwrite you would overwrite Mr. Duignan, this agreement because you
11:58:21 5 considered it not relevant as you had considered, I think, the Citywest
6 agreement not relevant to the Tribunal?

7 A. Yeah.

8
9 JUDGE FAHERTY: And that if you follow that logical as to relevancy, it would
11:58:32 10 appear logical or relevant -- logical that you would leave the diary entries
11 regarding the Quarryvale issues extant?

12 A. Yeah.

13
14 JUDGE FAHERTY: You see --

11:58:42 15 A. I see the point, yes.

16
17 JUDGE FAHERTY: I think that's really what Ms. Dillon --

18 A. This arrangement with this gentleman who was partner with me in relation to a
19 particular item that I was anxious to extract myself from. And I -- he had
11:58:57 20 come to me the previous day or was supposed to come to me the previous day, and
21 I met him and I made this arrangement with him, and I kept it a note of it.
22 Because I was very anxious to make sure that in this particular instance, and I
23 don't mean to be in any way offensive, in this particular instance I knew what
24 was agreed because I had had previous experience.

11:59:19 25
26 JUDGE FAHERTY: Sorry. Thank you.

27
28 MS. DILLON: The point is this, Mr. Dunlop. And I hope I am making this
29 clear. You have already told the Tribunal that you did not regard the Citywest
11:59:31 30 matter as a matter of relevance to the Tribunal?

- 11:59:33 1 A. Correct.
- 2 Q. 278 And you therefore, obliterated the record of the financial agreement in
3 connection with Citywest?
- 4 A. Uh-huh.
- 11:59:41 5 Q. 279 Isn't that right?
- 6 A. Yes.
- 7 Q. 280 Right. And you did so on the basis that it wasn't relevant?
- 8 A. Uh-huh.
- 9 Q. 281 You obliterated entries in relation to Mr. O'Callaghan. You don't suggest
11:59:50 10 those entries weren't relevant, isn't that right?
- 11 A. Uh-huh.
- 12 Q. 282 And you don't provide, I suggest to you, any explanation for why you did so,
13 isn't that right?
- 14 A. Correct.
- 11:59:58 15 Q. 283 Right. And in relation to this entry, right, which falls into the relevance
16 category. I am asking you why it is that you didn't overwrite an irrelevant
17 entry when you had already overwritten, you say, an earlier irrelevant entry?
- 18 A. I see the point. You are superimposing a logic of procedure that obviously I
19 can't tell you why I didn't delete it. It's irrelevant. I had an arrangement
12:00:26 20 with this gentleman. We made an agreement. I was anxious that this matter be
21 dealt with. We didn't sign any documentation at the meeting. I made a note of
22 it as soon as the meeting was over and that was it.
- 23 Q. 284 But you accept that all of the other entries in relation to Mr. O'Callaghan and
24 your arrangement with him were relevant and were matters in which the Tribunal
12:00:47 25 would be interested?
- 26 A. Yes.
- 27 Q. 285 Yes. And you say that you overwrote those entries but you can't provide any
28 explanation as to why you did so, is that right?
- 29 A. Correct.
- 12:00:55 30 Q. 286 And you tell the Tribunal that you can't remember when you did it?

- 12:00:58 1 A. No, I don't. I cannot specifically say two things that you've just asked me in
2 the course of the last ten minutes, when I did it or in what manner I did it.
- 3 Q. 287 But you do accept, Mr. Dunlop, you would have had to have considered the
4 content of the entry before deciding to obliterate it?
- 12:01:22 5 A. Not necessarily. Well ... not necessarily.
- 6 Q. 288 All right. You didn't read it before you rubbed it out, is that right?
- 7 A. No, that is not the case either.
- 8 Q. 289 Yes?
- 9 A. I obliterated. I deleted items from my diary that we've gone through some of
12:01:44 10 them, and I cannot tell you when I did it, and I cannot tell you whether I did
11 it seriatum or individually from time to time.
- 12 Q. 290 But you do accept, Mr. Dunlop, and I think you must accept from the record or
13 from the analysis that we conducted yesterday?
- 14 A. Uh-huh.
- 12:02:03 15 Q. 291 That you obliterated entries that record financial agreements with Mr.
16 O'Callaghan?
- 17 A. Yes, but they are not all relating, sorry, I beg your pardon, yes, in relation
18 to Mr. O'Callaghan, yes.
- 19 Q. 292 And I suggest to you, Mr. Dunlop, and correct me if I'm wrong, that it was only
12:02:17 20 after the Tribunal commenced its inquiries with you in connection with
21 Quarryvale that you would have come to consider your diaries at all?
- 22 A. Other than, other than in circumstances which I cannot attest to with any great
23 force that there may well be you make an entry in your diary you may well
24 delete it the following day, or you may delete it six months later, or you may
12:02:46 25 delete it a year later. That is why I am saying to you that I cannot say to
26 you when exactly deletions took place. There are lots of deletions in the
27 diary.
- 28
- 29 CHAIRMAN: But, Mr. Dunlop, we are talking, there are two times of deletions.
12:03:01 30 One is where something is crossed out or lines are drawn through?

12:03:07 1 A. Yes.
2
3 CHAIRMAN: And there are many instances in your diary where that takes place
4 but it's possible to see in most cases what's underneath the crossing out. We
12:03:17 5 are concerned, more concerned, with the clearly deliberate attempt on your part
6 to obliterate completely any hint as to what is, what was originally written.
7
8 It's quite a different act, on your part, it's not something that, can I
9 suggest to you, it's not something that you would have likely done on an
12:03:41 10 ongoing basis. It would appear to be done, it would appear likely that it was
11 done as a deliberate attempt at some stage to ensure that nobody would ever see
12 what was there.
13
14 So it's a different class of deletion than the ordinary one that we might all
12:03:58 15 do in our diaries from time to time, would you agree?
16 A. Yes, I would agree.
17
18 CHAIRMAN: All right.
19
12:04:04 20 MS. DILLON: And if I could just show you 13150 again on this point, Mr.
21 Dunlop.
22 A. Uh-huh.
23
24 Q. 293 And I just want to draw to your attention again there on the 6th of May '98, an
12:04:22 25 entry in your relation to your financial arrangement with Mr. Duignan and an
26 agreement for 4,000 pounds, isn't that correct?
27 A. Correct.
28 Q. 294 And another four on Saturday?
29 A. That's correct.
12:04:30 30 Q. 295 You haven't obliterated that?

12:04:33 1 A. No.

2 Q. 296 You have left it there for consideration by the Tribunal?

3 A. Yes.

4 Q. 297 Although I assume you will now tell the Tribunal it wasn't relevant to the

12:04:40 5 Tribunal's inquiries?

6

7 If we look at 13152, which is a document that we looked at yesterday, Mr.

8 Dunlop. And we have the benefit now, if we just have the full page first

9 please. And we have the benefit now of some analysis now by the forensic

12:04:55 10 document examiners, isn't that correct?

11 A. Correct, yes.

12 Q. 298 In relation to the obliteration. I want to draw to your attention is another

13 event that happened on the 20th of May 1998. And on the 20th of May 1998, Mr.

14 Dunlop, was the date in which Mr. Noel Smyth interviewed Mr. Tom Gilmartin in

12:05:11 15 London. You will have seen that in the brief and you will have seen the

16 documentation in the brief that that was the date on which the interview took

17 place?

18 A. Well, yes, I have seen it in the brief but it is not something that would

19 strike me initially other than you telling me that is what took place on the

12:05:28 20 20th of May 1998.

21 Q. 299 Well, if we look at 15893 which is the stenographic transcription of the tapes.

22 A. Uh-huh.

23 Q. 300 15893. Sorry.

24

12:05:42 25 And just to confirm there first of all to your satisfaction the second

26 paragraph "this statement is taken by Noel Smyth of 20 Upper Grosvenor Street,

27 London on Wednesday 20th of May 1998, time 12 o'clock."

28 A. Yeah.

29 Q. 301 And that interview runs from page 15892 through to 15895 I think, in the brief.

12:06:07 30 You will have seen that?

12:06:08 1 A. Yes.

2 Q. 302 Transcription?

3 A. Yes.

4 Q. 303 And if we go back then to look at 15312, Mr. Dunlop. And first of all on the

12:06:20 5 20th you see there the entry in relation to Mr. Duignan?

6 A. Yes.

7 Q. 304 "Spoke to E D agreed cheque 10 K on Friday and 4 K later after he returns from

8 holidays in July."

9 A. Yes.

12:06:32 10 Q. 305 That's not obliterated?

11 A. No.

12 Q. 306 And beneath that on Saturday 23rd of May you have the entry that's obliterated

13 that you first told the Tribunal was an obliteration in connection with

14 Mr. Duignan, isn't that right?

12:06:44 15 A. Yes.

16 Q. 307 You now accept, I think, as a result of the forensic document examiner that in

17 fact it's an entry relating Mr. O'Callaghan?

18 A. Yes.

19 Q. 308 You had your conversation with Mr. O'Callaghan, the subject matter appears to

12:06:59 20 be from the forensic examiners document, that it's a subject matter in relation

21 to an agreement about money. Do you agree that?

22 A. Yes.

23 Q. 309 Right. And can I ask you now is there any connection between the fact that Mr.

24 Gilmartin is providing a detailed statement on the Wednesday and the fact that

12:07:16 25 you enter into an arrangement with Mr. O'Callaghan on the Friday in relation to

26 the payment of monies?

27 A. Now, Ms. Dillon. Ms. Dillon, please! You know, I am -- I admire again, you

28 know, there is absolutely no connection whatsoever. I don't know when I became

29 aware that Tom was interviewed or discussed with Noel Smyth about whatever.

12:07:48 30 Absolutely. There is absolutely no connection whatever. I really ... I'm ...

- 12:07:55 1 I stand back in admiration having studied the law and seeing it in practice
2 what can be made and what cannot be made out of various things.
- 3 Q. 310 If it's not that, Mr. Dunlop, perhaps you would explain to the Tribunal what it
4 was that caused you to enter into the covered up arrangement with Mr.
12:08:10 5 O'Callaghan on the 22nd of May 1993?
- 6 A. Well, I mean I think I've said that to you yesterday.
- 7 Q. 311 1998, I beg your pardon?
- 8 A. Yes. I think I said that to you yesterday. It's deleted or obliterated,
9 whichever word you like to use, from the point of view that obviously I did not
12:08:28 10 consider it of benefit to anybody else other than myself.
- 11 Q. 312 With respect, Mr. Dunlop, that's not the question I asked you. I asked you if
12 it wasn't in connection with Mr. Gilmartin speaking with Mr. Smyth in London?
- 13 A. Uh-huh.
- 14 Q. 313 What was the factor that led you to enter into the financial arrangement with
12:08:45 15 Mr. O'Callaghan which was originally recorded in your diary for the 22nd of May
16 1993?
- 17 A. That I cannot tell you at this remove.
- 18 Q. 314 Do you accept, Mr. Dunlop, that there must have been some factor that caused
19 you to enter into this financial arrangement with Mr. O'Callaghan on the 22nd
12:09:01 20 of May 1998?
- 21 A. Oh, I'd say logic would say that a discussion between two gentlemen, one a
22 client and the other a provider of a service, would in fact enter into such a
23 discussion.
- 24 Q. 315 Yes. And I have suggested to you a possible matter that might have been
12:09:18 25 connected and you have dismissed that out of hand and accepting your dismissal,
26 Mr. Dunlop, we now turn your mind to explaining to the Tribunal why it was and
27 in what circumstances you came to make your arrangement with Mr. O'Callaghan on
28 the 22nd of May 1993 that was originally --
- 29 A. 1998.
- 12:09:36 30 Q. 316 1998, that was originally recorded in your diary?

- 12:09:40 1
2 CHAIRMAN: Could we see the cheque?
3
4 MS. DILLON: 25062.
- 12:09:45 5
6 CHAIRMAN: Not the cheque, the --
7
8 MS. DILLON: The underwriting.
9
- 12:09:55 10 MR. CHAIRMAN: Uh-huh.
11
12 MS. DILLON: If you just answer the question?
- 13 A. As I said to you, I cannot specifically say to you what generated or what the
14 genesis of any such conversation. I had many, many conversations with Owen
12:10:06 15 O'Callaghan in relation to fees, the payment of fees, the issuing of invoices
16 success fees, whatever. And I cannot say, specifically say to you why this
17 arose on that particular occasion in those particular circumstances.
- 18 Q. 317 Do you accept, Mr. Dunlop, there must have been some reason that precipitated
19 your conversation with Mr. O'Callaghan about the sum of 400,000 pounds?
- 12:10:33 20 A. Certainly I would say that there was, there was a discussion between us and
21 there had been discussions between us as I have given evidence to about here
22 before in relation to payments including success fees.
- 23 Q. 318 Mr. Dunlop, there must have been some factor that precipitated this particular
24 discussion that culminated in this particular arrangement that was apparently
12:11:03 25 originally recorded in your diary. Do you accept that?
- 26 A. Oh, obviously, obviously if I made the note in the diary in relation to an
27 arrangement with Mr. O'Callaghan that arose out of a conversation that I had
28 with Mr. O'Callaghan, and that in itself arose out of some impetus either on
29 his part or mine in relation to the payment of fees.
- 12:11:23 30 Q. 319 You didn't have any great need for money, Mr. Dunlop, at this time. You had

- 12:11:28 1 substantial funds standing to your credit, isn't that right?
- 2 A. I can't say to you what I had or had not. But certainly I would agree in
- 3 general terms, yes, at this stage, I probably had.
- 4 Q. 320 So may the Tribunal take it, Mr. Dunlop, there was no financial necessity for
- 12:11:43 5 you to get this money from Mr. O'Callaghan at this particular moment in time?
- 6 A. I wouldn't have imagined that there was other than it might have been the
- 7 culmination of ongoing conversations between us about the payment of fees.
- 8 Q. 321 And can you --
- 9 A. Or the payments of monies.
- 12:11:59 10 Q. 322 Yes. Because in relation to the payment of fees that was already being taken
- 11 care of by way of the retainer, isn't that right?
- 12 A. Correct.
- 13 Q. 323 Prior to this, Mr. Dunlop, do you have any document recording your agreement in
- 14 relation to a success fee or a payment of 300,000 Pounds or 400,000 pounds with
- 12:12:20 15 Mr. O'Callaghan?
- 16 A. No, I don't believe I -- I don't believe there was ever a document in relation
- 17 to a success fee.
- 18 Q. 324 You have noted in your diary entries in relation to 4,000 pounds and 10,000
- 19 Pounds with Mr. Duignan, isn't that correct?
- 12:12:35 20 A. Yes.
- 21 Q. 325 And would it be fair to say, Mr. Dunlop, that it was your habit to keep a note
- 22 or a record of these meetings and these agreements?
- 23 A. Not generally, no. Not generally.
- 24
- 12:12:53 25 CHAIRMAN: Sorry. Mr. Dunlop, you have on a number of occasions over the last
- 26 few years given evidence that you --
- 27 A. Eight years, Chairman.
- 28
- 29 CHAIRMAN: Yes. Given evidence that you have paid individual councillors
- 12:13:05 30 1,000 Pounds or 2,000 Pounds, relatively small sums of money, back in the early

12:13:12 1 1990's. And you are certain you have a memory of having done so and so on.
2 That's your evidence.

3 A. Uh-huh.
4

12:13:19 5 CHAIRMAN: And here we have an entry in 1998 talking about 400,000 pounds.
6 Now, how can it be that you have no recollection, no detailed recollection, in
7 fact no recollection of any nature in relation to what was being spoken about,
8 or what was being agreed or suggested which gave rise to this entry?

9 A. No, I think with respect, Chairman, that might be slight, I take the point that
10 you are making, might be slightly just off centre. I had ongoing discussions
11 with Owen O'Callaghan about what I loosely called success fee or 'big one' or
12 whatever. These discussions took place on an ongoing basis. We had
13 discussions. I had discussions with Mr. O'Callaghan in relation to payments
14 for matters extraneous to Quarryvale like for example as Ms. Dillon has already
12:14:16 15 eluded to this morning, in relation to the controversy over Horgan's Quay for
16 which Mr. O'Callaghan, if my recollection is correct, paid me 100,000 Pounds on
17 invoice from Frank Dunlop & Associates.

18
19 So this is obviously a conversation, the culmination of a series of
12:14:38 20 conversations with Mr. O'Callaghan and myself in relation to the payment of,
21 outside of, any agreed schedule of payments in relation to retainer fees,
22 specific sums of money. And I mean, I had, I couldn't count for you the number
23 of times that Owen O'Callaghan and I sat down and talked about the payment of
24 what was loosely referred as a success fee.

12:15:03 25
26 CHAIRMAN: But here was a schedule being set out?

27 A. Yes.
28

29 CHAIRMAN: In your own words, it was a culmination of discussions over a
12:15:12 30 period of time. And surely you have a memory, surely you can identify for the

12:15:19 1 Tribunal what, I mean, forget for a moment the precise wording, but what this
2 is. What it is stating in approximate terms. Can you not do that?

3 A. Yes. Well, just on a point, I had a look at that document last night and
4 contrary to your view that it is absolutely clear on the screen that the word
12:15:43 5 is planning. It's not. It's remaining. I spent quite some time last night
6 looking at this with somebody else. But that's neither here nor there. I gave
7 evidence to Ms. Dillon yesterday I think it was, when she asked me how much did
8 I think, or was there ever a document in relation to an agreed amount in
9 relation to a success fee. And I said there wasn't specifically but that I
12:16:10 10 said that it would be of the order of 500,000 or more.
11
12 This discussion in relation to a success fee went on for quite some time with
13 Owen O'Callaghan. I don't want to suggest that I was putting pressure on Mr.
14 O'Callaghan and Mr. O'Callaghan was reluctant to pay. It was ongoing
12:16:29 15 discussion. He was already paying me a retainer fee. And this is obviously
16 the culmination of one such discussion in which it was agreed that a payment
17 would be made.
18
19 CHAIRMAN: Well, can you tell us what it says?

12:16:47 20
21 JUDGE FAHERTY: Now --
22
23 CHAIRMAN: Yeah. What's your best effort?
24
12:16:52 25 JUDGE FAHERTY: The document on screen, I think.
26
27 CHAIRMAN: At identifying what this ...
28 A. Well, Ms. Dillon has sort of, I don't mean this offensively, has sort of
29 muddied the waters slightly by reading out what she suggested it was yesterday.
12:17:06 30

12:17:06 1 CHAIRMAN: What do you think it is?

2 A. That's the point I was going to make. I would agree that the two words at top

3 of the right hand corner are "to issue". And I would agree that the next two

4 words underneath that are "for" either 100,000 or 600 thousand. I can

12:17:27 5 absolutely I assure you that it is not 600,000. The next word underneath that

6 is either "be" or" i.e.". I can make out the date. I can make out, as I said

7 to you yesterday and I think you were a little bit quick off the mark,

8 Chairman, if I might say so, suggest it to you. You are looking at a very

9 large screen. I am looking at this here in front of me and a document that

12:17:54 10 Mr. Kavanagh gave me. When I suggested it could possibly be 30 K and that the

11 word is "remaining". So let's go back to square one. The likelihood is that

12 this is a note made by me in my diary on a specific date, that 100,000 Pounds

13 would be paid. I presume relatively quickly because it says "to issue". And

14 that 300 K remaining, and that that is an agreement that I entered into with

12:18:27 15 Mr. O'Callaghan on a specific date.

16

17 MS. DILLON: It's your entry, Mr. Dunlop.

18 A. Yes.

19 Q. 326 You made it originally at around the time that you had your conversation with

12:18:40 20 Mr. O'Callaghan?

21 A. Correct.

22 Q. 327 And you came to consider it again sometime after the 6th of October 1998 when

23 you decided to obliterate it, isn't that right?

24 A. I cannot say to you, I cannot tell you when I obliterated it.

12:18:55 25 Q. 328 I am just asking you that you came to contract entry again before you decided

26 to obliterate it, isn't that right?

27 A. That is likely, yes.

28 Q. 329 Right. And insofar as your discussions within your diary that have been left

29 extant or concerned, the first discussion in relation to 'big one' is the 27th

12:19:10 30 of January 1993?

- 12:19:12 1 A. Yeah.
- 2 Q. 330 So you are discussing 'big one' with Mr. O'Callaghan from the 27th of January
3 1993?
- 4 A. Correct.
- 12:19:20 5 Q. 331 The agreement to pay the 'big one' if I understand your evidence correctly,
6 happens on the 22nd of May 1998, is that right?
- 7 A. If that is the note, yes. The explanation that the Chairman has asked me to
8 give in relation to this note is that it is the culmination of a long series of
9 conversations in relation to the payment of monies that we have been talking
10 about.
- 12:19:45 11 Q. 332 No, with respect, Mr. Dunlop, it is not the explanation that the Chairman has
12 asked you to give. Right. Because the Chairman has asked you simply to
13 provide a truthful account of what's contained in the document. Now, what I am
14 putting to you the is the following -- you commenced --
- 12:20:01 15 A. Hold on, Ms. Dillon, just one second. The Chairman asked me what did I think
16 that read, and I read it out to the best of my ability. Aply assisted by you
17 yesterday. And I -- again, I accept your assistance in that. The Chairman
18 asked me to read it out. He said what do you think that notes says. That's
19 what I did.
- 12:20:22 20 Q. 333 Yes, but what you just said to the Tribunal, Mr. Dunlop, and I am going to
21 quote back your own words to you now. You say "the explanation that the
22 Chairman has asked me to give in relation to this note is that it is the
23 culmination of a long series of conversations in relation to the payment of
24 monies that we have been talking about." I am suggesting to you when you say
12:20:40 25 that to the Tribunal you are incorrect because it's not what the Chairman asked
26 you to do, isn't that correct?
- 27 A. I don't want to quibble with you, Ms. Dillon, and I'm not going to quibble with
28 you on the basis of the co-operative basis on which I am here. That is the
29 Chairman asked me to read out the note, I have consistently said from your
12:20:58 30 first question yesterday morning in relation to, was there any specific amount

- 12:21:03 1 agreed between you and Mr. O'Callaghan in relation to a success fee or big one
2 and I said to you of the order of 500 or more. And I am saying to you now when
3 you ask me what is that note, that that note is a note made on a specific day
4 subsequent to a conversation with Mr. O'Callaghan.
- 12:21:21 5 Q. 334 And what I am asking you about, Mr. Dunlop. So we'll go back to the question
6 that I asked you after you concluded your conversation with the Chairman which
7 is this "considering the fact that your first reference to 'big one' is the
8 27th of January 1993 and that there are seven references in your diary to 'big
9 one' culminating perhaps in this reference I do not know". I am asking you
10 what was it that caused both yourself and Mr. O'Callaghan to come to a
11 concluded agreement on the 22nd of May 1998?
- 12 A. Well, that I cannot say to you. Specifically what caused it other than to say
13 to you that it was another conversation in a long series of conversations with
14 Mr. O'Callaghan.
- 12:22:02 15 Q. 335 And it is a conversation the record of which you have obliterated, isn't that
16 right?
- 17 A. Yes.
- 18 Q. 336 And you say it having been pointed out to you that Mr. Gilmartin's conversation
19 with Mr. Noel Smyth having occurred on the 20th of May 1998 is coincidental
20 only in time in relation to your agreement to Mr. O'Callaghan, is that right?
- 12:22:19 21 A. Yes. Let me ask you rhetorically, let me state rhetorically, how in God's name
22 would I know that Tom Gilmartin was meeting Noel Smyth in London, meeting
23 anybody in London or where? It has no relevance.
- 24 Q. 337 Do you remember what it was that you might have discussed with Mr. Des, could I
12:22:44 25 have page 13152, Richardson on the day before, on the 21st?
- 26 A. No. I cannot specifically say to you. But I can say to you that
27 Mr. Richardson and I and Mr. Duignan were parties to a particular project.
- 28 Q. 338 Is that in Navan, Mr. Dunlop?
- 29 A. Yes. From which I wished to extract myself for lots of reasons. And
12:23:19 30 Mr. Richardson was aware of this.

- 12:23:21 1 Q. 339 Uh-huh?
- 2 A. In fact, Mr. Richardson may well have been the midwife in arriving at an
3 arrangement with Mr. Duignan to get, for me to extract myself from this
4 arrangement. I am not suggesting that that is the sole subject of conversation
12:23:47 5 with Mr. Richardson I wouldn't suggest that for a moment. Any time
6 Mr. Richardson and I met we discussed many things including political matters.
7 But it is significant that I have a telephone call with Mr. Richardson on the
8 day before.
- 9 Q. 340 Did Mr. Liam Lawlor ever tell you that he was aware of the contents of Mr. Tom
12:24:07 10 Gilmartin's discussions with Mr. Noel Smyth?
- 11 A. He may well have done. I don't know where I first heard that Mr. Gilmartin and
12 Mr. Smyth, or that Mr. Smyth was acting for Mr. Gilmartin. I cannot say that
13 to you specifically. He may well have done. Mr. Liam Lawlor had a great
14 facility for gathering information and for telling people. For telling me
12:24:46 15 things. And I wouldn't discount it but I cannot say to you whether he actually
16 did or not.
- 17 Q. 341 And at 13185, Mr. Dunlop, on the 4th of June your diary records the fact that
18 you received an OOC cheque, isn't that right?
- 19 A. Yes.
- 12:25:01 20 Q. 342 And was that a cheque in relation to the first payment on the success fee?
- 21 A. I ... this is when, June 1998. Yes, I think the likelihood is, yes.
- 22 Q. 343 You make your agreement with Mr. O'Callaghan?
- 23 A. In May.
- 24 Q. 344 On the 22nd of May that's recorded in your diary?
- 12:25:22 25 A. Yes.
- 26 Q. 345 And then you are paid 100,000 Pounds on the 4th June 1998?
- 27 A. Yes.
- 28 Q. 346 So you are paid within two weeks of your discussion with Mr. O'Callaghan, isn't
29 that right?
- 12:25:30 30 A. Yes.

- 12:25:30 1 Q. 347 And you are paid on food of an invoice at 13156.
2
3 Which is dated the 22nd of May, isn't that right?
4 A. Yes.
- 12:25:40 5 Q. 348 So it's dated the same date as your conversation. Would it be fair to say that
6 after your conversation with Mr. O'Callaghan you issued this invoice?
7 A. That's highly likely, yes.
- 8 Q. 349 And therefore, it records your submission for your funds in relation to the
9 first stage of your success fee, isn't that right?
10 A. Yes.
- 11 Q. 350 And does it record on its face that it's in connection with the success fee?
12 A. No, it doesn't record, just says professional services.
- 13 Q. 351 When you were paid the 300,000 Pounds in October, Mr. Dunlop, when you issued
14 that invoice. Did that record on its face that it was in connection with a
15 success fee?
16 A. I think that particular invoice does say ...
- 17 Q. 352 13022, please?
18 A. Yes, I have it here, Ms. Dillon.
- 19 Q. 353 13302. And if I could have 13302 and 13156 together, please. Now, I just want
12:26:50 20 to draw to your attention, Mr. Dunlop, so you can comment on it?
21 A. Uh-huh.
- 22 Q. 354 To the Tribunal. Is that the invoice dated the 5th of October 1998 records as
23 follows "to part payment of success fee in relation to extension of Liffey
24 Valley development 300,000 Pounds."
12:27:07 25 A. Uh-huh.
- 26 Q. 355 That is a claim in respect of the success fee, isn't that right? And if we go
27 back then to the invoice that issued on the 22nd of May 1998, there is no
28 reference to success fee?
29 A. Not on the invoice on the face, no.
- 12:27:20 30 Q. 356 Is there reference anywhere else?

- 12:27:21 1 A. No.
- 2 Q. 357 In any document that you are aware of?
- 3 A. No.
- 4 Q. 358 So what you are claiming there is for professional services?
- 12:27:27 5 A. Correct.
- 6 Q. 359 Not connected to the removal of the cap, isn't that right?
- 7 A. Not connected to the removal of the cap and I have to say to you that there was
- 8 another invoice issued to Mr. O'Callaghan in relation to the Horgan's Quay.
- 9 Q. 360 January 1997?
- 12:27:45 10 A. Issued for the same amount of money. And I'm not so sure that that actually
- 11 refers to Horgan's Quay, it just says to professional services as well.
- 12 Q. 361 Your evidence if it is correct, Mr. Dunlop, you have told the Tribunal that
- 13 what you agreed with Mr. O'Callaghan was a payment in relation to a success
- 14 fee?
- 12:28:01 15 A. Yes.
- 16 Q. 362 This in effect is the first payment in relation to the success fee?
- 17 A. Yes.
- 18 Q. 363 Isn't that right? The document is silent as to a success fee?
- 19 A. Yes.
- 12:28:10 20 Q. 364 Good bad or indifferent. The second document --
- 21
- 22 JUDGE FAHERTY: Sorry, Ms. Dillon would, it not have been logical, Mr. Dunlop,
- 23 on the invoice dated the 22nd of May '98, if your evidence is correct, and that
- 24 a sum of 400,000 pounds was agreed on the 22nd of May, that apart from the
- 12:28:32 25 issue of whether a success fee should be on it. It should more logically read
- 26 "to part payment of success fee"?
- 27 A. Yes, it would be logical, Judge, yes.
- 28
- 29 JUDGE FAHERTY: Because there is no reference to the fact that the 100,000, if
- 12:28:47 30 what you say is correct, that it was a success fee. Because the second one has

12:28:52 1 that statement?

2 A. Yes.

3

4 JUDGE FAHERTY: But if the total agreement on a success fee, as you say, was

12:28:59 5 400,000, surely the word "part payment" should have been in the first invoice,

6 if you follow?

7 A. Yes, I agree.

8

9 JUDGE FAHERTY: That's all right.

12:29:12 10

11 MS. DILLON: Mr. Dunlop, would you just explain to the Tribunal, Mr. Dunlop,

12 how it was if the evidence you've given today to the Tribunal is correct, that

13 your agreement on the 22nd of May represented an agreement in relation to the

14 monies you were to be paid for a success fee for the lifting of the cap. Why

12:29:29 15 the first invoice in relation to that is silent about that matter?

16 A. No, I can't explain that. And as in relation to what Judge Faherty just said,

17 it would have been logical. It's obviously contingent on the arrangement that

18 I arrived at with Mr. O'Callaghan on the 20th of May or the 23rd of May. I

19 can't remember what date it was. And that this is the first invoice.

12:29:55 20 Q. 365 The invoice is marked "received" the 26th of May 1998. The invoice that is

21 dated the 22nd of May?

22 A. Yes.

23 Q. 366 Yes. On the 25th of May, Mr. Dunlop, which is the Monday, at 13173. Mr.

24 O'Callaghan meets with the Taoiseach, isn't that right? 13173. And according

12:30:22 25 to the Taoiseach's statement on this issue --

26 A. Yes.

27 Q. 367 -- he is of the opinion that you were at that meeting?

28 A. Yes. I said to you yesterday when you asked me that question. I don't, I have

29 been in St. Luke's quite a number of times. I don't actually recollect

12:30:39 30 specifically being there with Owen O'Callaghan. I do say to you that I, the

- 12:30:46 1 likelihood, the strong likelihood is that I set up the meeting and given that
2 Mr. O'Callaghan I think, had not met Mr. Ahern prior to that, if I am correct,
3 I think I am correct on that.
- 4 Q. 368 I don't believe you are, Mr. Dunlop?
- 12:31:05 5 A. Well, sorry. He certainly would not have had a relationship with Mr. Ahern.
6 He would not have known him well, he certainly, he certainly would have needed
7 for the meeting to be established. And I believe that I established the
8 meeting. I do accept that it's likely that I was there. Though I cannot say
9 to you that I specifically recall it.
- 12:31:31 10 Q. 369 What was discussed at that meeting, Mr. Dunlop?
- 11 A. Well, I think the note in the diary says it relates to Wimbledon. Again,
12 having said to you that I cannot specifically recollect being at the meeting.
13 I think the genesis of the meeting was in relation to seeking either to outline
14 to Mr. Ahern the proposals in relation to the stadium and the possibility of
12:32:03 15 Wimbledon being the resident team. Or to seek his support for such a
16 development.
- 17 Q. 370 Was there any discussion at that meeting about Mr. Ahern opening Quarryvale?
- 18 A. Again, I can't, I can't say. I can't say to you that I actually recollect
19 being at that meeting other than the note in my diary. Because I know that a
12:32:31 20 particular time. At some time I arranged a meeting with Bertie Ahern for Owen
21 O'Callaghan in relation to the stadium and/Wimbledon. I can't specifically
22 recollect being there. I do recollect Mr. O'Callaghan reminding me sometime
23 thereafter about how Bertie Ahern was very dismissive about the stadium project
24 or the Wimbledon project, or whatever you like to call it, either the stadium
12:33:06 25 project or the Wimbledon project or the two together.
- 26 Q. 371 Was there any discussion about the Tribunal?
- 27 A. Well, I don't ever recollect having any discussion whatsoever with Mr. Ahern
28 about the Tribunal.
- 29 Q. 372 You put in your invoice, Mr. Dunlop, on the 22nd of May. It's dated the 22nd
12:33:26 30 of May 1998 and you are paid on the 4th of June, isn't that right? And you

- 12:33:31 1 lodge the money at 13160.
- 2 A. I thought it was received on the 26th of May.
- 3 Q. 373 You are looking now at the lodgement to your bank account?
- 4 A. You said it was paid on the 4th of June.
- 12:33:53 5 Q. 374 It was recorded in your diary.
- 6 A. Diary.
- 7 Q. 375 As having been paid on the 4th of June?
- 8 A. Yes.
- 9 Q. 376 And it's lodged to your bank account on the 4th of June?
- 12:33:53 10 A. Yes.
- 11 Q. 377 So I think we may accept from that, Mr. Dunlop, that you were paid by the 4th
- 12 of June. Wouldn't you agree with that?
- 13 A. Yes.
- 14 Q. 378 If you look there at 13160 which is the 067 Dunlop & Associates current account
- 12:34:04 15 and you see lodged on the 4th of June, lodgement 121,000?
- 16 A. Yes.
- 17 Q. 379 And that is the lodgement to which this refers. And then there is an immediate
- 18 debit of 100,000 Pounds on the account, isn't that right?
- 19 A. Yes.
- 12:34:15 20 Q. 380 And it refers to AIF, isn't that right?
- 21 A. Correct, yes.
- 22 Q. 381 And that I suggest to you, is a transfer to your Allied Irish Bank Finance, I
- 23 think, account at 12769. And you will see recorded there on that document,
- 24 deposit 4th of June 100,000 Pounds. Do you see that?
- 12:34:35 25 A. Yes.
- 26 Q. 382 And you will see earlier that in January of '97 there had been a deposit of
- 27 100,000 Pounds also?
- 28 A. Yes.
- 29 Q. 383 Being the?
- 12:34:44 30 A. Horgan's Quay.

- 12:34:45 1 Q. 384 The 1997 payment by Mr. O'Callaghan, isn't that right?
- 2 A. Yes.
- 3 Q. 385 And I think if one moves on to 23141. You see that by October of 1998 you had
- 4 standing to the credit of this account 357,885.88. That's 357,885.88, isn't
- 12:35:14 5 that right?
- 6 A. Yes.
- 7 Q. 386 And you had that standing to the credit of your account when you put in the
- 8 second invoice in relation to the success fee for 300,000 Pounds, isn't that
- 9 right?
- 12:35:23 10 A. Yes.
- 11 Q. 387 And in fact I think that you had an additional sum of another 55,000 Pounds on
- 12 deposit also?
- 13 A. Yeah, I think that's correct, yeah.
- 14 Q. 388 So that in October, early October of 1998 you had in excess of 400,000 pounds
- 12:35:38 15 on deposit, is that right?
- 16 A. Yes.
- 17 Q. 389 Now, at 13173. This is your diary again. Just to point out to you that the
- 18 reference to the meeting in St. Luke's is there for the 25th of May which you
- 19 have already told the Tribunal. And then on the 27th you again meet
- 12:36:05 20 Mr. Richardson, isn't that the position?
- 21 A. Yes, at the Berkley Court, yes.
- 22 Q. 390 Yes. And I think for -- on the 29th of May at 13174. You issue your normal
- 23 retainer invoice, isn't that right?
- 24 A. Yes.
- 12:36:23 25 Q. 391 So may the Tribunal take it that when you entered into the arrangement for the
- 26 payment of 100,000 Pounds with Mr. O'Callaghan, that the normal retainer
- 27 continued?
- 28 A. Yes, it did.
- 29 Q. 392 Yes?
- 12:36:36 30 A. I'm not absolutely certain that it continued at that same level but certainly

- 12:36:41 1 it did continue for some time, yes.
- 2 Q. 393 If I can just show you then 23305, Mr. Dunlop. And if you just look at the
- 3 document on screen?
- 4 A. Uh-huh.
- 12:36:53 5 Q. 394 Which is the computation of the invoices in relation to 1998. You will see
- 6 that in fact that there was indeed a monthly invoice of 5,000 Pounds?
- 7 A. Yes.
- 8 Q. 395 Plus VAT for 1998, isn't that right?
- 9 A. Yes, correct, yes.
- 12:37:08 10 Q. 396 All right. So that in fact your normal retainer arrangement with Barkhill
- 11 proceeded, isn't that right?
- 12 A. Yes.
- 13 Q. 397 And these funds were received and lodged to Frank Dunlop & Associates?
- 14 A. Correct.
- 12:37:17 15 Q. 398 And then in May of 1998 you made a separate agreement with Mr. O'Callaghan for
- 16 the payment of 100,000 Pounds which was paid by the 4th of June 1998. And then
- 17 in October 1998 there was a payment for 300,000 Pounds?
- 18 A. Yes.
- 19 Q. 399 Now, I just want to ask you about, it's quite a small matter, Mr. Dunlop, and I
- 12:37:43 20 want to bring you back to some of the earlier evidence that you gave. Because
- 21 around this time in June of 1998, at 13186. And you have already looked at
- 22 this, and given your evidence. You remember the two cheques that you received
- 23 from Mr. Bolger?
- 24 A. Yes.
- 12:37:59 25 Q. 400 Yes. And you remember I asked you about those cheques?
- 26 A. Yes.
- 27 Q. 401 And in particular I showed you a cheque at 13188. And I, do you see the name
- 28 of that company Keal Ryan properties Limited?
- 29 A. Yes.
- 12:38:16 30 Q. 402 Was that a company with which you were familiar?

- 12:38:19 1 A. No.
- 2 Q. 403 Were you involved in a development in Navan in Greenside?
- 3 A. No. Sorry I beg your pardon. I was aware of a development in Navan in
- 4 Greenside. I don't believe, I don't believe I was ever involved in Greenside
- 12:38:36 5 with Mr. Duignan.
- 6 Q. 404 Were you involved in a company called Greenside Properties Limited?
- 7 A. I cannot say that to you specifically because of my relationship with
- 8 Mr. Duignan. But yes, I was aware of a company called Greenside in which
- 9 definitely Mr. Richardson and Mr. Duignan were either partners or share
- 12:39:06 10 holders. I can't specifically say to you whether I was ever included in that.
- 11 Q. 405 Was this a company that was involved in a residential development at Abbey
- 12 Lands in Navan?
- 13 A. Yes.
- 14 Q. 406 Was this a company in which you bought out a man called Mr. Kenna?
- 12:39:12 15 A. Correct.
- 16 Q. 407 And you were involved in that company with Mr. Duignan and Mr. Richardson?
- 17 A. Yes.
- 18 Q. 408 Yes. And that was a joint venture with a local builder, isn't that correct?
- 19 A. That's correct.
- 12:39:21 20 Q. 409 And that builders name was Eugene O'Connor, isn't that correct?
- 21 A. You have ... I can't remember whether it was. The name sounds, is vaguely
- 22 familiar but I don't think that I everybody met the gentleman.
- 23 Q. 410 And Keal Ryan Properties Limited is owned by Mr. O'Connor, did you know that?
- 24 A. No, I didn't.
- 12:39:38 25 Q. 411 No. Did you ever meet Mr. O'Connor?
- 26 A. I don't believe I did.
- 27 Q. 412 I think in June of 1998, Mr. Dunlop, you had some communications with various
- 28 Government departments about retail limits, isn't that right?
- 29 A. Retail limits?
- 12:40:01 30 Q. 413 At 16424. The square footage for retail food?

- 12:40:07 1 A. Oh, yes.
- 2 Q. 414 Yes?
- 3 A. Absolutely, yes.
- 4 Q. 415 And you had some correspondence with the Department of the Taoiseach and also
- 12:40:15 5 correspondence with Mr. Noel Dempsey. In effect on behalf of Mr.-- pardon?
- 6 A. I was acting in relation to the square footage. There was a directive if I'm
- 7 --
- 8 Q. 416 That's correct.
- 9 A. A directive to be issued or was issued in relation to the square footage
- 12:40:36 10 allowed for the balance between, I am speaking totally coldly now from memory.
- 11 The balance between food and hardware I think it was, and that there were a
- 12 number of people interested in this and that I had a, a number of people on my
- 13 client book list who were interested in this. Including Mr. O'Callaghan.
- 14 Q. 417 Well, yes. If you look at 16424. When you wrote to the Taoiseach on the 2nd
- 12:41:08 15 of June 1998?
- 16 A. Could I, I can't see that Ms. Dillon.
- 17 Q. 418 The first paragraph if that could be increased, please?
- 18 A. Yes. Thanks.
- 19 Q. 419 And you say "I understand that a ministerial directive under the planning acts
- 12:41:22 20 is being considered to place a moratorium on the square footage allowable for
- 21 retail food developments. In my view this would unnecessarily restrictive
- 22 measure which could adversely affect proposed developments around the country,
- 23 such as Blackpool". Who was your client in Blackpool?
- 24 A. The Blackpool in Cork. Tesco?
- 12:41:43 25 Q. 420 I don't know, Mr. Dunlop, I'm asking you?
- 26 A. Sorry, I think that's why I said to you earlier on. Combination of clients
- 27 here. Certainly unless Mr. O'Callaghan has an entity in Blackpool which I
- 28 don't ... I don't recall. It doesn't matter. In a sense but I had another
- 29 client who was interested in this particular matter as well.
- 12:42:07 30 Q. 421 Yes?

- 12:42:07 1 A. Maybe Tesco.
- 2 Q. 422 And then insofar as Mahon in Cork is concerned and Quarryvale and Liffey
3 Valley, that was on behalf of Mr. O'Callaghan's companies and you were making
4 representations, is that right?
- 12:42:19 5 A. Correct, yes.
- 6 Q. 423 Now, I think that at the end of June of '98 you continued to issue your
7 invoices for the retainer, isn't that correct?
- 8 A. Yes.
- 9 Q. 424 Yes. And I think that in July of 1998 at 13220.
- 12:42:40 10
11 The Terms of Reference were extended although it's not recorded in your diary,
12 isn't that right, Mr. Dunlop?
- 13 A. The Terms of Reference of?
14 Q. 425 Of this Tribunal were extended?
- 12:42:50 15 A. Sorry, I accept your word for it, yes.
- 16 Q. 426 And on the 28th of July at 12223. You have a recorded in your diary for
17 Mr. McGowan, then your accountant, isn't that right?
- 18 A. Yes.
- 19 Q. 427 Now did you disclose to Mr. McGowan at this stage your activities in relation
12:43:11 20 to either Shefran or Xerxes or the monies held in the Irish Nationwide or the
21 monies held in the Rathfarnham account?
- 22 A. Yes, I did disclose to Mr. McGowan at a specific time. I don't have the date.
23 I went to see Mr. McGowan and I told him I wanted his assistance in relation to
24 the matter vis-a-vis the Revenue Commissioners. I cannot say that that was the
12:43:35 25 day but I certainly went to see him.
- 26 Q. 428 Yes. According to Mr. McGowan's documentation, Mr. Dunlop?
- 27 A. Yes.
- 28 Q. 429 That disclosure by you occurred at the end of September of 1998?
- 29 A. Yes.
- 12:43:55 30 Q. 430 And it has nothing whatsoever to do with your meeting with Mr. McGowan on this

- 12:44:00 1 occasion which was the question I had put to you was, whether on the 28th of
2 July 1998 you had at that stage made disclosure to Mr. McGowan about your
3 undeclared income?
- 4 A. Yes. And that's why I said to you that I could not say specifically when I did
12:44:19 5 so. I knew I did but I couldn't say when.
- 6 Q. 431 So the is the answer to the question then, Mr. Dunlop, on that occasion 28th of
7 July 1998 you did not disclose to Mr. McGowan your undeclared income?
- 8 A. Yes.
- 9 Q. 432 All right. Now, I think in August, Mr. Dunlop, you made two payments, you say
12:44:47 10 to Mr. Lawlor, which are recorded in your diary, isn't that right?
- 11 A. Yes.
- 12 Q. 433 The first of which is 13238. And on Friday the 28th that is recorded, isn't
13 that right?
- 14 A. Yes.
- 12:45:02 15 Q. 434 Yes. And I think that on the following, yes, on 13239, you record A K LA L,
16 isn't that right?
- 17 A. Yes.
- 18 Q. 435 On the 3rd. And you have a note in your diary on the 1st to ring Mr.
19 O'Callaghan about the discussion of the 22nd of May re remainder?
- 12:45:29 20 A. Yes.
- 21 Q. 436 Isn't that right? Now, Mr. Lawlor has denied that he received these monies and
22 he has suggested that in fact these entries were entries you had made post the
23 event. Do you dispute that?
- 24 A. Yes.
- 12:45:46 25 Q. 437 And in September, in September '98 the cap was going to be removed, isn't that
26 right, in South Dublin County Council in relation to Quarryvale?
- 27 A. In or around that time, yes. I can't again I can't say to you specifically.
28 But certainly the indications were that it was going to be removed.
- 29 Q. 438 Yes. And you yourself according to your prior evidence did nothing in relation
12:46:14 30 to the removal of the cap?

- 12:46:15 1 A. No, other than what I said to you in relation, I may have spoken to one or two
2 people.
- 3 Q. 439 Yes. And in September of 1998 at 13280. I want to draw to your attention that
4 on the 20th of September 1998 a story was published in a Sunday newspaper at
12:46:42 5 16355. And this is the first publication, Mr. Dunlop, which deals with what I
6 will call the Mr. Gilmartin allegations or Quarryvale. And I just want to draw
7 to your attention, first of all may the Tribunal take it that you would have
8 seen it?
- 9 A. Oh, obviously, yes.
- 12:47:08 10 Q. 440 And would you have discussed it with people?
- 11 A. That is quite likely.
- 12 Q. 441 Okay. The first thing I want to draw to your attention is the headline?
- 13 A. Yes.
- 14 Q. 442 Which says "Tribunal seeks permission to examine builders bank accounts for
12:47:18 15 evidence of planning corruption". Now you yourself had been involved in
16 planning corruption over a long period of time, isn't that right, and you were
17 aware of the existence of this Tribunal. And you would have realised when you
18 read that that it was about this Tribunal, isn't that right?
- 19 A. Obviously, yes.
- 12:47:36 20 Q. 443 Uh-huh. And I want to draw to your attention just a number of matters in
21 relation to this. And in particular if I can draw to your attention the fourth
22 column and the third, fourth paragraph within that. Which begins "meanwhile
23 the Sunday Independent has also learnt that a brother of the former Taoiseach,
24 Mr. Haughey, informed Gardai of serious allegations made by businessman, Tom
12:48:00 25 Gilmartin, in relation to a number of his building projects in Dublin in the
26 1980's."
27
28 Would you have known when you read that article that that in fact was the
29 Mr. Tom Gilmartin who was involved with Mr. O'Callaghan in Quarryvale?
- 12:48:14 30 A. Oh, yes.

- 12:48:17 1 Q. 444 And then at the bottom of that column it says "according to a reliable Garda
2 source, among the more serious allegations was that a named Fianna Fail TD
3 arranged a meeting between Mr. Gilmartin and four Dublin councillors who each
4 demanded 100,000 Pounds in return for a favourable rezoning decision. Mr.
12:48:36 5 Gilmartin told Mr. Haughey that he was angered at the request and refused to
6 make the payment.
7
8 According to the Garda source, Mr. Gilmartin also told Mr. Haughey that the
9 Fianna Fail TD had been in receipt of 3,500 Pounds a month from British
12:48:49 10 Property Development Company, Arlington Securities, which was proposing to
11 develop Batchelor's Walk in Dublin."
12
13 Now, there is no reference in that article to you, Mr. Dunlop, isn't that
14 right?
- 12:48:58 15 A. Correct.
- 16 Q. 445 There is no reference in that article to Mr. O'Callaghan?
17 A. None.
- 18 Q. 446 And there is no reference in that article to Quarryvale, isn't that right?
19 A. No, not that I can see from the ones you drew my attention to anyway.
- 12:49:11 20 Q. 447 Yes.
21 A. Yeah.
- 22 Q. 448 But there is a reference in that article to Mr. Tom Gilmartin making
23 allegations or complaints, isn't that right?
24 A. Yes.
- 12:49:17 25 Q. 449 And a reference to a payment of 50,000 Pounds to an ex Fianna Fail Minister,
26 isn't that right?
27 A. Yes.
- 28 Q. 450 Okay. So at this stage at the end of September of 1998, Mr. Dunlop, you must
29 have known that Mr. Gilmartin, if you hadn't known prior to this date?
12:49:41 30 A. Uh-huh.

- 12:49:41 1 Q. 451 Was involved with the planning Tribunal?
2 A. Yes, if the story is correct. Obviously if they are saying that if, who is it
3 by? Oh, yes if this story by Jody Corcoran is correct that Mr. Gilmartin is in
4 contact with the Tribunal. It actually says this here, I think, does it not?
- 12:49:56 5 Q. 452 You knew, Mr. Dunlop, did you not, that Mr. Gilmartin had a certain view about
6 you, isn't that right?
7 A. Yes.
- 8 Q. 453 Okay. And when you read this I assume that you must have alerted yourself to
9 the possibility that you could become embroiled in this story or embroiled in
12:50:15 10 the Tribunal?
11 A. Not specifically. Obviously I read the story. I can't say in retrospect with
12 interest, I obviously did read it with interest. What impact it had on me I
13 cannot say because this is when, the 20th of September 1998.
- 14 Q. 454 Uh-huh?
- 12:50:34 15 A. I ... I already indicated to you, Ms. Dillon, that other than the very few
16 times that I met Mr. Gilmartin and being aware, as you rightly pointed out, of
17 his view of me, the only other information that I ever had about Mr. Tom
18 Gilmartin was from Owen O'Callaghan and Liam Lawlor.
- 19 Q. 455 What you have would have known when you read this article Mr. Dunlop, is that
12:51:08 20 Mr. Gilmartin was one and the same Mr. Gilmartin who had been involved with Mr.
21 O'Callaghan in Quarryvale, isn't that right?
22 A. Yes.
- 23 Q. 456 And Mr. O'Callaghan continued to be your client and you were on a retainer of
24 6,050 Pounds a month for Barkhill, isn't that right?
- 12:51:20 25 A. Yes.
- 26 Q. 457 So wearing your cap as Mr. O'Callaghan's and Barkhill's public relations
27 advisor you would have alerted yourself, I suggest, to the possibility that
28 this could involve Mr. O'Callaghan?
29 A. I don't think so. I think Mr. O'Callaghan and I and indeed many others
12:51:39 30 regarded Mr. Gilmartin as a buffoon, and I think I used the phrase earlier on

12:51:45 1 as a loose cannon. There was no, the view was any time Mr. Gilmartin's name
2 appeared in the paper was, what next? And I think if you will forgive me for
3 saying so, Ms. Dillon and Chairman, we've had enough evidence already in
4 actuality about the quality and the nature of Mr. Gilmartin. But that was the
12:52:08 5 view of Mr. Gilmartin. And if I read Mr. Gilmartin's name in the newspaper,
6 yes, I would have, pay attention to it. I probably would have discussed it
7 with Liam Lawlor and Owen O'Callaghan in retrospect having seen it.

8 Q. 458 Yes, because --

9 A. And we would have had the same view.

12:52:24 10 Q. 459 And because you have already told the Tribunal that it was your habit to read
11 the Sunday newspapers on Saturday night and to discuss the contents of the
12 papers with Mr. O'Callaghan, isn't that right?

13 A. Correct.

14 Q. 460 Now this is a big story.

12:52:36 15 A. Uh-huh.

16 Q. 461 Involving, A, a political payment. Isn't that right?

17 A. Yes.

18 Q. 462 And second, allegations being made by Mr. O'Callaghan's former partner in the
19 largest shopping centre in Dublin, isn't that right?

12:52:47 20 A. Yes.

21 Q. 463 Do you think taking those factors into account that those matters might have
22 required you to discuss the matter in some small way with Mr. O'Callaghan?

23 A. I would delete the word "small" Ms. Dillon. I obviously, if this is a Sunday
24 newspaper, which it is, except in exceptional circumstances I had an
12:53:07 25 arrangement with Mr. O'Callaghan to ring him on Saturday night having bought
26 the Sunday newspapers. A practice that I continue to this day, on Saturday
27 night. And would have alerted him to the fact. And I cannot guarantee that
28 what Mr. O'Callaghan's response was, but if it is anything in accordance with
29 any of the comments that were ever made to me by Mr. O'Callaghan from the very
12:53:33 30 outset would be something to the effect of what is the big fool at now.

- 12:53:39 1 Q. 464 Did you know who the Minister was?
- 2 A. No.
- 3 Q. 465 Had you ever had any discussion with Mr. O'Callaghan about any payments Mr.
- 4 Gilmartin might have made?
- 12:53:47 5 A. No. I never -- Mr. O'Callaghan never told me in relation to any payments that
- 6 he believed that Mr. Gilmartin had made or that Mr. Gilmartin had told he had
- 7 made. I will admit that I did become aware at some stage, again, I cannot tell
- 8 you when, that Mr. Gilmartin had alleged that he had paid or a company he was
- 9 associated with, had paid Liam Lawlor specific sums of money over a period of
- 12:54:32 10 time. I never heard of anything in relation to, in relation to a Minister.
- 11 Q. 466 All right. And the following Sunday being the 27th of September 1998. At
- 12 16356.
- 13
- 14 There was an article by Mr. Frank Connolly in, I think, the Sunday Business
- 12:54:54 15 Post.
- 16 A. Uh-huh.
- 17 Q. 467 In connection with a developer claiming that he had given Mr. Flynn who is now
- 18 named, 50,000 Pounds for Fianna Fail, isn't that correct?
- 19 A. Correct.
- 12:55:08 20 Q. 468 Within the body of that article there's just a number of matters that I want to
- 21 draw to your attention at 16357.
- 22
- 23 The first if we can start with the first paragraph on the first column.
- 24 A. Could you blow it up, Ms. Dillon.
- 12:55:19 25 Q. 469 Increase it?
- 26 A. Thanks.
- 27 Q. 470 You will see that in the first paragraph of the first column Mr. Tom Gilmartin
- 28 is identified, isn't that right?
- 29 A. Yes.
- 12:55:26 30 Q. 471 And there is within that a statement to the effect that Mr. Gilmartin made a

12:55:30 1 political donation of 50,000 Pounds to Fianna Fail which he had given to
2 Mr. Pdraig Flynn?

3 A. Yes.

4 Q. 472 So now Mr. Flynn has been named, isn't that right?

12:55:38 5 A. Correct.

6 Q. 473 That is then followed by a paragraph dealing with the late Mr. Liam Lawlor who
7 confirmed a claim by Mr. Gilmartin that he was paid 3,500 Pounds a month?

8 A. Correct.

9 Q. 474 So now you know three things, Mr. Dunlop, in the first two paragraphs. You
12:55:53 10 know Mr. Gilmartin has said he paid 50,000 Pounds to Mr. Flynn. You know who
11 Mr. Flynn is, and you know that Mr. Liam Lawlor has admitted to receiving
12 monies, isn't that right?

13 A. Yes.

14 Q. 475 And if you read down through the article at paragraph four it says "after
12:56:08 15 initially refusing to co-operate with the Tribunal, Gilmartin has now agreed on
16 legal advice to provide details of his claims". So now you know on reading
17 this that Mr. Gilmartin is, if this article is correct, going to co-operate
18 with the Tribunal, isn't that right?

19 A. Correct who wrote the article?

12:56:24 20 Q. 476 Mr. Frank Connolly.

21 A. Oh, God.

22 Q. 477 At the top of the page.

23 A. Oh, God. Right. Yes, I am aware now that Mr. Gilmartin has agreed on legal
24 advice to provide details of his claims, yes.

12:56:36 25 Q. 478 And then if you go to the very bottom of that page, of that column. Right?
26 You see the following "Gilmartin was involved in the initial attempt to develop
27 the Quarryvale project in west Dublin as a massive shopping complex but the
28 project was taken over by developer Owen O'Callaghan with financial support
29 from AIB."

12:56:57 30 A. Yes.

12:56:57 1 Q. 479 Now, so now what you know is that in the news on this particular Sunday is that
2 Mr. O'Callaghan was a former partner of Mr. Gilmartin's and that Quarryvale has
3 been named, isn't that right?

4 A. Yes.

12:57:11 5 Q. 480 So that's an additional piece of information that's now in the public domain
6 isn't that right?

7 A. Correct.

8 Q. 481 And the matter then goes on to talk about if you look at the second column.
9 And dealing now specifically with Mr. O'Callaghan and with Quarryvale. Half
10 way down the second column where it begins "while his critics would claim that
11 Gilmartin's plan for Quarryvale was over ambitious his financial difficulties
12 contributed to the collapse of his plans, Gilmartin claims he would have
13 preferred to see the project through. Ironically the current developers of
14 Quarryvale which opened officially only a few days ago, were last week given an
15 extension to the size of the complex despite new regulations capping the scale
16 of new shopping developments.

17
18 Gilmartin was bought out of Quarryvale by O'Callaghan for the sum of 8.3
19 million but believed the nett amount received was 7 million with the balance of
20 1.3 million paid in legal fees to his solicitors, Noel Smyth and his company."

12:58:04 21 A. God.

22 Q. 482 It goes on, "Gilmartin has since concentrated on his business interests in
23 England. He has experienced difficulties with the revenue tax bills followed
24 by financial problems".

12:58:21 25 Okay. It then goes onto the next paragraph "he submitted a letter to Tribunal
26 Chairman, Fergal Flood, through his solicitor, Noel Smyth, earlier this year
27 which advised the Tribunal to use Smyth if they wished to talk to him" and then
28 it goes on to at that talk about other allegations that were made.

29
12:58:37 30 Can I put it to you, Mr. Dunlop, that when you read this article that you would

- 12:58:41 1 have become aware of the fact that what was now in the public domain, that
2 Mr. Gilmartin was dealing with the Tribunal. That the inquiry, there was some
3 inquiry into Quarryvale. That it was now public knowledge of Mr. O'Callaghan's
4 prior relationship with Mr. Gilmartin and this was matter with which you were
12:58:58 5 going to have to concern yourself?
- 6 A. Yes, I agree and the likelihood is that I discussed it with Mr. O'Callaghan on
7 the evening that that publication came out.
- 8 Q. 483 Yes. And on the same day on the 27th of September at 16358, there was an
9 article in the Sunday Tribune entitled "Gilmartin and the Flood to come."
- 12:59:18 10 A. Uh-huh.
- 11 Q. 484 And on the first column in the third, the fourth paragraph, there is the
12 following. "The Flood Tribunal has also met with another man, Sligo born but
13 Luton resident, engineer Tom Gilmartin, who has made a series of serious
14 allegations against a number of politicians and officials relating to his own
12:59:48 15 futile attempts to engage in two business developments in the last decade."
- 16 A. Uh-huh.
- 17 Q. 485 If you had read that, Mr. Dunlop, I suggest you did, that you would have known
18 that Mr. Gilmartin was complaining about two developments and one of them was
19 Quarryvale, isn't that right?
- 12:59:53 20 A. Yes, yes.
- 21 Q. 486 And in fact if one goes through that article Quarryvale is in fact named, isn't
22 that right?
- 23 A. It is, yes.
- 24 Q. 487 And I think if one looks at an article at 16359 which is also dated the 27th of
13:00:04 25 September written by Matt Cooper and Martin Wall. Which also deals, if it
26 could be enlarged please, with Mr. Gilmartin and it goes "apparently Gilmartin
27 feared that by signing a statement he could jeporadise his prospects of
28 developing the mega shopping complex at Quarryvale. However, he never got that
29 chance. AIB, the major financial backers for the scheme progress, became
13:00:28 30 concerned at progress and brought in Cork developer, Owen O'Callaghan, in as

13:00:31 1 the major shareholder and Gilmartin found himself diluted to a minority stake.
2 He also had financial difficulties at the time in Britain and experienced
3 problems in Northern Ireland and in the mid 90's accepted an offer from
4 O'Callaghan to buy his share in Quarryvale." And it then goes on to set out
13:00:48 5 that Mr. Gilmartin was represented by Mr. Noel Smyth and also the involvement
6 of Mr. O'Callaghan, isn't that right?
7 A. Yeah. Obviously Matt and Martin didn't know what Noel Smyth's fee was. 8.2
8 million.
9 Q. 488 And Mr. Jody Corcoran in an article on the same Sunday at 25321. Wrote an
13:01:13 10 article which was entitled "there was a crooked man and he built a crooked
11 house" the first part of which contains a review the Garda inquiries. But in
12 the third, fourth paragraph at the bottom of the fourth paragraph?
13 A. Yeah.
14 Q. 489 It says "former developer Tom Gilmartin has become one of the many valuable
13:01:30 15 sources of information now being tapped by the Tribunal. Gilmartin is a big,
16 gruff man of Sligo extraction. He left school when he was still in short pants
17 to work on a family farm." It goes on to talk about Mr. Gilmartin.
18
19 On the following page at 25322.
13:01:50 20
21 In the centre of the second column beginning "other developers were planning
22 similar if less ambitious projects in Tallaght, Neilstown and Blanchardstown.
23 The Neilstown project from County Cork developer, Owen O'Callaghan, was the
24 nearest to Gilmartin's site. As a result of business pressures Gilmartin
13:02:05 25 reluctantly took on O'Callaghan as his partner but after almost ten years of
26 toing and froing involving AIB, IDA, Dublin County Council and various
27 politicians the bank closed in. They wanted their money back. They offered a
28 deal".
29
13:02:18 30 Now, I suggest to you with those four articles that were published on Sunday

13:02:22 1 the 27th, Mr. Dunlop, and considering your long experience in the public
2 relations business, you would have come to the realisation that Quarryvale was
3 the subject matter in all likelihood of inquiry by the Tribunal, isn't that
4 right?

13:02:34 5 A. Yes.

6 Q. 490 And that therefore, it was likely that you were going to find yourself involved
7 in the matter also, isn't that right?

8 A. I can't tell you when I came to the final realisation that I was probably going
9 to be involved. Probably when I got the first letter. But you are correct in
10 suggesting that because of these publications. Excuse me. Sorry. Because of
11 these publications that we would have been aware that Mr. Tom Gilmartin was
12 both talking to the Tribunal and to the media. Sorry.

13 Q. 491 On the 27th of September 1998 there was an article in the Sunday Independent,
14 the Sunday Business Post, the Sunday Tribune, isn't that right?

13:03:21 15 A. Uh-huh.

16 Q. 492 The three main national Sunday newspapers, all of which concerned allegations
17 by Mr. Tom Gilmartin in connection with this Tribunal and naming Mr. Owen
18 O'Callaghan and Quarryvale, isn't that right?

19 A. Yes.

13:03:34 20 Q. 493 You were Mr. O'Callaghan's public affairs representative, isn't that correct?

21 A. Correct.

22 Q. 494 So you had an obligation to speak to him in connection with these matters and
23 advise him, isn't that right?

24 A. Obligation yes, but certainly practice. And the likelihood is that I did.

13:03:50 25 Q. 495 Yes.

26

27 CHAIRMAN: It's one o'clock.

28

29 MS. DILLON: And on, sorry, Sir.

13:03:55 30

13:03:55 1 CHAIRMAN: It's just gone one o'clock. I am just concerned --
2
3 MS. DILLON: I just wanted to make the final point.
4

13:04:02 5 CHAIRMAN: All right.
6
7 MS. DILLON: It was only after those revelations, Mr. Dunlop, that you went to
8 your accountant and made disclosure to your accountant of the undeclared income
9 that you had, isn't that right?

13:04:13 10 A. Well, on a date basis I think you have given me the date from Mr. McGowan's
11 documentation, that it was September 1998.

12 Q. 496 It was the 30th of September?
13 A. Yes.
14 Q. 497 1998?

13:04:30 15 A. Well then --
16 Q. 498 You spoke to Mr. McGowan and you made disclosure to Mr. McGowan and 1998, and
17 in -- I just think it's important to put this document to you, Mr. Dunlop, to
18 give you an opportunity to comment on it before the Tribunal rises. At 16202.
19 This is a document dated the 2nd of October 1998. And paragraph three is the
13:04:50 20 relevant extract. This is a conversation between your accountant, Mr. McGowan
21 and the Revenue Commissioners, and this is Mr. McGowan speaking "it says
22 explain to him that the clients have something to my attention within the past
23 48 hours," and you meet with Mr. McGowan on the 30th, "which required
24 disclosure to revenue explaining family circumstances of client and the fact
13:05:11 25 that he wishes to make disclosure now before anything becomes public."

26 A. Yes.
27 Q. 499 And I want you to explain to the Tribunal what you meant or what Mr. McGowan
28 meant arising out of your conversations with him about your desire to make
29 disclosure to the revenue before anything became public?

13:05:29 30 A.

13:05:29 1
2 MR. REDMOND: Chairman, before Mr. Dunlop answers that question. It occurs to
3 mind that this being the document of Mr. McGowan it is for Mr. McGowan to
4 answer.

13:05:39 5
6 Secondly, as a professional accountant the issue of disclosure when being
7 discussed with a revenue commissioner is an issue in relation to a prosecution
8 and/or penalties which is dealt with further in the document, and therefore, is
9 inappropriate to ask Mr. Dunlop to comment.

13:05:52 10
11 MS. DILLON: It's not inappropriate.

12
13 CHAIRMAN: Well, Mr. Dunlop can be asked was the purpose of going to
14 Mr. McGowan at the time?

13:06:01 15
16 MR. REDMOND: I have no difficulty with that, Mr. Chairman. I am in difficulty
17 with him being asked to interpret a document which is not his.

18
19 MS. DILLON: Did you meet with Mr. McGowan on the 30th of September 1998, Mr.
13:06:12 20 Dunlop?

21 A. Yes, I met with Mr. McGowan in or around that day, yes.

22 Q. 500 Did you do so after there had been four articles in relation to Quarryvale Mr.
23 O'Callaghan and Mr. Gilmartin --

24 A. Sequentially that is correct.

13:06:25 25 Q. 501 Did you have any discussion with Mr. McGowan about the fact that you had a
26 concern about matters concerning yourself becoming public?

27 A. I had a conversation with my accountant to the effect that I wanted to make a
28 voluntary disclosure to the Revenue Commissioners in circumstances that
29 matters, yes, might become public.

13:06:42 30 Q. 502 And was your concern in relation to matters becoming public a concern that

13:06:47 1 arose because of the publication in the newspapers on the previous Sunday
2 concerning Mr. O'Callaghan and Quarryvale and Mr. Gilmartin?

3 A. No, I can't say that specifically. It could have been a culmination of matters
4 and a decision that I arrived at.

13:07:00 5 Q. 503 Yes. What matters were you concerned about becoming public Mr. Dunlop?

6 A. I can't say specifically about what I was concerned about becoming public.
7 What I was concerned about at the time was to make a voluntary disclosure to
8 the Revenue Commissioners in view of the fact that I had this undisclosed
9 income.

13:07:16 10 Q. 504 And you had a concern about matters becoming public, is that correct, Mr.
11 Dunlop?

12 A. Well, this is ... I can't recollect the detail of the conversation I had with
13 Mr. McGowan. But certainly I had a conversation with Mr. McGowan on the basis
14 that he was my professional advisor and I wanted to say to him that I wanted
15 him to advise me and to deal with the matter in relation to undisclosed income.

13:07:33 16 Q. 505 And may I suggest to you, Mr. Dunlop, that it was the publication in the
17 newspapers on the Sunday that precipitated your disclosure to Mr. McGowan on
18 the 30th of September '98, would you agree with that?

19 A. Well, I can't agree to that specifically. What I have said to you two minutes
20 ago it was probably the culmination of a number of things.

13:07:56 21
22 CHAIRMAN: All right. That concludes Mr. Dunlop's evidence before Christmas.

23
24 MS. DILLON: Yes, Sir.

13:08:05 25
26 CHAIRMAN: And he will resume evidence in January.

27
28 MS. DILLON: Yes, Sir. It had been hoped that Mr. Dunlop would resume his
29 evidence on the afternoon of the 8th of January but that is not now possible.

13:08:15 30

13:08:15 1

2 CHAIRMAN: Well, we can, we can sort that out over the next day or two and the
3 details will go on to the website.

4

13:08:23 5 MS. DILLON: May it please you, Sir.

6

7 CHAIRMAN: All right. Thank you, Mr. Dunlop.

8 A. Thank you, Chairman. Thank you, Judges.

9

13:08:28 10

11 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

13:09:45 1 **THE TRIBUNAL RESUMED AS FOLLOWS AT 2:00 P.M.:**

2

3

4

CHAIRMAN: Now Mr. Murphy.

14:12:48 5

6

MR. MURPHY: Good afternoon, Chairman, members.

7

8

Mr. Brendan Ward, please.

9

14:12:54 10

MR. BRENDAN WARD, HAVING BEEN SWORN,

11

WAS QUESTIONED BY MR. MURPHY AS FOLLOWS:

12

13

CHAIRMAN: Good afternoon, Mr. Ward

14

A. Good afternoon.

14:13:33 15

Q. 506

16

MR. MURPHY: Good afternoon, Mr. Ward.

17

A. Good afternoon.

18

Q. 507 I am Henry Murphy is my name. I will be taking you through your evidence.

19

Mr. Ward, I think that when Mr. Ahern was appointed Minister for Finance in

14:13:47 20

November 1991 you were already private secretary in the Department of Finance,

21

is that right?

22

A. That's correct.

23

Q. 508 And I think you worked with Mr. Ahern as his private secretary until 1994, is

24

that right?

14:14:00 25

A. That's correct.

26

Q. 509 Is 1994 a reference to the end of 1994 when there was a change of Government in

27

or November or December, is that correct?

28

A. That's correct, yeah.

29

Q. 510 And that's the period we'll be interested in for the next few minutes?

14:14:14 30

A. Okay.

14:14:15 1 Q. 511 But just to continue. Later on between 1997 and 2002 you worked in the
2 Department of the Taoiseach, is that right?
3 A. That's correct.
4 Q. 512 I am just not quite sure from your interview. Sorry. There was some noise. I
14:14:29 5 am just not quite sure from your interview, were you a private secretary to the
6 Taoiseach?
7 A. I was for four of those years.
8 Q. 513 All right.
9 A. From; 98 to 2002.
14:14:41 10 Q. 514 All right. And what is your position now?
11 A. I am, I work in the National Economic and Social Development Office.
12 Q. 515 Yes.
13 A. Head of administration there.
14 Q. 516 Yes. And you have been there since when?
14:14:55 15 A. Since 2002.
16 Q. 517 And does that come under the umbrella of the Taoiseach, of --
17 A. It does, yeah.
18 Q. 518 It does. I am sorry, Chairman, there is some noise at the background.
19
14:15:08 20 CHAIRMAN: I am sorry. We can't have any loud talking amongst the parties ...
21 Q. 519
22
23 MR. MURPHY: Now, Mr. Ward, Mr. Ahern has told the Tribunal that between 1987
24 and 1993 he made substantial savings of money and he has told the Tribunal
14:15:46 25 where he kept it, the money, and a number of other things. Briefly if we could
26 look at 17832 where he tells us this for the first time, please. And if you
27 look at paragraph ten there which reads as follows "Mr. Ahern's personal
28 expenditures during the circa 7 years i.e. '87 to '93 were low and cash
29 balances nett of his maintenance payments were gradually accumulated over this
14:16:15 30 period (see also paragraph 16 C here in this regard). These cash balances were

14:16:22 1 kept in a safe in Mr. Ahern's constituency office in Drumcondra and in his
2 Department office (the foregoing can be confirmed by a number of colleagues
3 and/or assistants of Mr. Ahern)."
4

14:16:38 5 This paragraph comes within a report from his accountant, Mr. Peelo which the
6 Tribunal received in April 2006. And we get a little bit more information on
7 page 17835 where among other things we find, we are informed. The Tribunal is
8 informed that the cash savings in that period came to in excess of 50,000
9 Pounds. And if you look at 16 A there. Which is referring to a lodgement on
10 the 25th of April 1994. You will see the, what is stated there is as follows:
11 "the 30,000 Pounds cash was entirely made up from cash balances of in excess of
12 50,000 Pounds accumulated by Mr. Ahern over the circa 7 years '87 to '93 (see
13 paragraphs 9 and 10 above) further clarification can be provided in this
14 regard."

14:17:26 15
16 And then if we go on to page 17836, please. At paragraph 17 it's dealing with
17 a lodgement to Mr. Ahern's account, to an account opened by Mr. Ahern in fact
18 in respect of his daughters on the 8th of August 1994, and at 17 A it says "as
19 explained at paragraphs 9,10 and 16 C above, Mr. Ahern had accumulated cash
14:17:50 20 balances in excess of 50,000 Pounds over the 7 years of '87 to '93.
21

22 B. 30,000 Pounds of these cash balances was used as explained at paragraph 16
23 above. 20,000 Pounds was lodged to AIB account number, and the number is
24 given, in the name of Georgina and Cecelia Ahern on the 8th August, 1994".

14:18:10 25
26 So arising from the information that we got from Mr. Ahern via that report,
27 Mr. Ward, the Tribunal sought further information in a letter dated the 3rd of
28 May 2006 to Mr. Ahern's solicitors.
29

14:18:27 30 And if for convenience I skip to page the third page of that letter 17842.

14:18:33 1
2 And you will see that at the top of that it says "arising from Mr. Peelo's
3 report to the Tribunal". That's the report that I have refer referred to that
4 we got in April 2006. "The Tribunal seeks your client's response to the
14:18:44 5 following queries," a number are set out. I can go to No. 5, please? Why, can
6 you read that?
7 A. I can, yes.
8 Q. 520 "Why was no part of the accumulated sums in excess of 50,000 Pounds lodged to
9 an interest bearing account by Mr. Ahern prior to April 1994.
14:19:02 10
11 6. What was the total amount of the funds accumulated in cash between 1987 and
12 1993. Calculated at each year end and as a total in 1993.
13
14 7. In what denominations was this cash maintained in the safes at the
14:19:16 15 constituency office and Department office." The one that I want to refer and
16 refer to the answer is number 8 and 9.
17
18 8. "How was this cash stored, contained and packaged.
19
14:19:26 20 9. Did any person other than Mr. Ahern have access to the safes and the cash
21 therein".
22
23 And if we could please go to the reply from Mr. Ahern's solicitors is dated the
24 6th of June 2006. And if we could go to 21692, please. Which is page three.
14:19:57 25
26 You will see that it answers 8 and 9. And if I can remind you that the
27 question 8 was referring to the 50,000 that was being accumulated, how was this
28 cash stored, contained and packaged and the answer 8 from Mr. Ahern's
29 solicitors is "Mr. Ahern was Minister for Labour March 1987 to November 1991.
14:20:15 30 And Minister for Finance from November 1991 to December 1994. During the

14:20:20 1 period March 1987 to November 1991 the cash balances were stored in a safe in
2 Mr. Ahern's constituency office in Drumcondra, Dublin 9. The safe was replaced
3 circa 1997. The replacement safe opened by a change of a code is still in
4 situ. From November 1991 onwards some of the monies were stored in a
14:20:42 5 combination of a safe and locked drawer in Mr. Ahern's office as Minister for
6 Finance". All right?

7 A. Yes.

8 Q. 521 And if I can remind you of the query No. 9 "did any person other than Mr. Ahern
9 have access to the safes and the cash therein" and the answer at 9 on this page
14:21:01 10 is" an employee, Sandra Cullagh, who work in the Drumcondra office and as his
11 personal secretary in Government would from time to time have had access to the
12 safe. Mr. Brendan Ward then private secretary to the Taoiseach had access to
13 the safe in the Department of Finance."
14

14:21:17 15 And that really is why you are in the witness box this afternoon, Mr. Ward, do
16 you follow that?

17 A. I do, yes.

18 Q. 522 All right. And the state of play from the paperwork really is that Mr. Ahern
19 has informed the Tribunal that he has made savings between 1987 and 1993. That
14:21:34 20 those savings exceed 50,000 Pounds. That they are kept in two locations in his
21 constituency office in St. Luke's, Drumcondra and in his office in the
22 Department of Finance. And we have seen that he refers to a safe in both
23 places and he mentions a locked drawer in his office in the Department, do you
24 follow that?

14:21:55 25 A. I do, yes.

26 Q. 523 And we also saw as well that on two different occasions, two different dates in
27 1994 he lodged, he lodged that 50,000 Pounds of his accumulated savings, one
28 was the sum of 30,000 Pounds and the other was a sum of 20,000 Pounds. That's
29 what we've just seen?

14:22:13 30 A. Okay.

14:22:13 1 Q. 524 All right?

2 A. Yes.

3 Q. 525 So Mr. Ahern has explained to the Tribunal where he was keeping that money, do

4 you understand?

14:22:19 5 A. I do.

6 Q. 526 All right. Now, I think it might help if I just refer to you to I think it's

7 three extracts from Mr. Ahern's private interview to the Tribunal which was in

8 April of this year, because I think it will help to narrow the matters we want

9 to deal with this afternoon?

14:22:32 10 A. Okay.

11 Q. 527 If I think could have 19744, please.

12

13 And if you go to question 211 there, please, Mr. Ward.

14

14:22:44 15 And if I read out that question to you. This is Mr. Ahern is being asked these

16 questions at private interview of the Tribunal. "Now the 50,000 I was asking

17 you about is a cumulative figure. You made a decision that you would keep some

18 in one office, some in another and I think from your responses we received from

19 you there wasn't annual tot of what you might have saved in one year as opposed

14:23:05 20 to other, isn't that right?

21 A: Not really. By the way so you think I'm not mad. The way I did it, my

22 TD's salary normally would come to St. Luke's, posted out to St. Luke's.

23 Q: Yes.

24 A: So my staff in St. Luke's, the two girls that I had in St. Luke's, would

14:23:18 25 cash in that cheque. My Departmental cheque as Minister for Finance was

26 different to the others. It wasn't that I was moving around. My staff in one

27 place was cashing one. That was the reason they were in two different

28 locations."

29

14:23:38 30 Now, that's the first extract, Mr. Ward. Could I just ask you in relation to

14:23:40 1 that. Because he is referring to the facts that in St. Luke's one of his
2 cheques, his TD's cheque, his salary cheque, for being a TD went to St. Luke's
3 and his secretaries there would cash that cheque. Did you have any role in
4 cashing his other cheque, his Minister's cheque?

14:23:59 5 A. No, I didn't.

6 Q. 528 You didn't cash cheques for him?

7 A. No.

8 Q. 529 All right. Do you know in fact did his departmental cheque as Minister for
9 Finance, did that go to him at the office at the Department?

14:24:11 10 A. I believe it did, yes.

11 Q. 530 You believe it did. Do you know how he cashed it?

12 A. As far as I can recall the staff in his constituency office looked after that.

13 Q. 531 I see. Did they have access to his office in the Department?

14 A. To his own private office?

14:24:27 15 Q. 532 Yes.

16 A. They would have, yes.

17 Q. 533 Would they have come in to collect it and then go out and cash it?

18 A. He would probably phone them out and ask them to come in and collect the
19 cheque. Normally if they were going into his own private office they would
20 have to come through my office first.

14:24:37 21 Q. 534 Right. If they were to go, I don't follow that. If they were to go in to his
22 private office?

23 A. What I mean is normally to gain access to his own private office they would
24 have to come through the private secretary's office to get access that way.

14:24:54 25 Q. 535 I see. Can you tell the Tribunal for a fact that, do you know Sandra and
26 Grainne his two secretary's in Luke's?

27 A. I do, yes.

28 Q. 536 Can you say as a fact whether or not they ever came to Mr. Ahern in the
29 Department to receive his cheque and to cash it?

14:25:10 30 A. Sandra Cullagh would have. Sandra was based in the Department at the time.

14:25:14 1 Q. 537 Yes.

2 A. And Grainne was based in St. Luke's at that stage.

3 Q. 538 All right. So Sandra would come. And you are aware that she would collect

4 Mr. Ahern's ministerial cheque?

14:25:28 5 A. Yes.

6 Q. 539 Would she cash that do you know?

7 A. I presume so. I was never really involved in it. I just presume that she

8 would have cashed it.

9 Q. 540 All right. Page 19745, please. Now, this is dealing with the breakdown of the

14:25:47 10 50,000 Pounds as we saw there was a lodgement of 30,000 Pounds, in fact it was

11 lodged in two sums but we're not worried about that. The sum of 30,000 Pounds

12 and there was a second sum of 20,000 Pounds, Mr. Ward. At this page we are

13 dealing at that at question 218. Mr. Ahern is being asked as follows. "Will

14 the 30," that's a reference to the 30,000 Pounds, "was part of a slightly

14:26:11 15 larger sum.

16 A: Yes.

17 Q: You retained the three and gave the 30?" This was to a Mr. Philip Murphy,

18 you are not concerned with it, Mr. Ward.

19 A. Yes

14:26:18 20 A: Yes.

21 Q: In relation to the 20 then," that's 20,000, "that was in the Department?

22 A: Yes.

23 Q: It was in your safe in the Department?

24 A: In the department.

14:26:28 25 Q: And it had been accumulated over the 7 years just as the other had been?

26 A: Over the period. I was in the Department of Labour before I was in the

27 Department of Finance. I'd had accumulated it over a period of my savings".

28

29 That's the second extract that I wish to draw attention to, Mr. Ward.

14:26:47 30 A. Okay.

14:26:48 1 Q. 541 The final one is as follows.
2
3 19747.
4
14:26:52 5 Excuse me, please, sorry, for one second. All right. I am sorry. Mr. Ward.
6 Question 233, please.
7
8 Oh, sorry. 19747. Yes. Question 233 "if we take your ministerial safe. Did
9 you keep this in a sealed envelope" this is referring to the savings.
14:27:47 10 A. Yes.
11 Q. 542
12 A: I kept it in a pouch. In a straight forward pouch. It was in the
13 Department of Finance which I had for a number of years and it was a bankers
14 pouch. The old bankers pouch and I kept it in there.
14:27:57 15 Q: I understand.
16 A: And it was there very visibly to see. You would have to open it but it
17 would, it was there".
18
19 Now, they are a few extracts, Mr. Ward, from Mr. Ahern's interview. And to
14:28:12 20 summarise, Mr. Ward, as I understand the position from all of that, Mr. Ahern
21 has told the Tribunal he has savings in excess of 50,000 Pounds. He lodges
22 30,000 Pounds on one occasion in 1994. 20,000 on a second occasion in 1994.
23 That the 30,000 Pounds came from his, sorry. That he kept these monies in two
24 different places, one was a safe in St. Luke's, the other was in a safe in his
14:28:48 25 office in the Department. And that's what he refers to in his private
26 interview though as I referred you to in a letter from the solicitors it also
27 referred to a locked drawer in the Department?
28 A. Yes.
29 Q. 543 So we will deal with that as well. Furthermore, in the interview here that the
14:29:00 30 20 -- sorry. In the interview what he has indicated is that the money which he

14:29:08 1 says in the interview comes to 20,000 Pounds kept in the Department, was kept
2 in the pouch in the safe. That is my understanding of what Mr. Ahern has told
3 the Tribunal between correspondence and accountant's reports and his interview?
4 A. Okay.

14:29:25 5 Q. 544 All right? Now, Mr. Ward, I wonder could I deal with one thing first of all
6 because I'm not quite sure if it's really in the frame and this is the locked
7 drawer. Because it's referred to in a letter from his solicitors. He hasn't
8 raised it in the interview. He has talked about the safe. Were you aware of a
9 locked drawer in Mr. Ahern's office while you were his private secretary and he
14:30:00 10 was Minister for Finance?
11 A. Well, I would have been aware that there were drawers in his desk.
12 Q. 545 Yes.
13 A. I would have no occasion or very rarely have an occasion to go near those
14 drawers so I can't really confirm whether they were locked or otherwise.

14:30:16 15 Q. 546 All right. So is your answer then, are you saying to the Tribunal that you
16 don't know whether or not he had a locked drawer?
17 A. I know he had drawers in his desk but I don't know whether they were locked.

18 Q. 547 All right. Can you say anything. Sorry. Just give us the layout quickly. An
19 easy guide to the layout of his room. A chair that he sits in and a desk in
14:30:45 20 front of him with drawers, isn't that right?
21 A. That's correct, yeah.
22 Q. 548 And where is the safe?
23 A. The safe would have been on the right-hand side just as you walked into his
24 office.

14:30:53 25 Q. 549 All right. Would you have to get up from your desk if you are sitting at the
26 desk to go to the safe?
27 A. You would, yeah. It was across the other side of his office.

28 Q. 550 You would. Sorry, just to deal with the drawer first of all. Just tell us
29 about the drawers. How many drawers were there on his desk?
14:31:14 30 A. I think there probably would have been about maybe three or four down either

- 14:31:18 1 side left and right.
- 2 Q. 551 Yes?
- 3 A. There was either one or two. I can't quite recall across between those.
- 4 Q. 552 Yes. And did you have anything to do with the drawers?
- 14:31:29 5 A. No. I mean, they were private and the same as working with any colleague you
- 6 don't tend to go through the drawers in their desk. There was one or two
- 7 occasions that I can recall where he rang me from outside the Department.
- 8 Q. 553 Yes?
- 9 A. To retrieve something, some papers from a drawers, and he would give me
- 14:31:47 10 instructions what drawer to go to. Other than, that I wouldn't have had any
- 11 occasion to go near them.
- 12 Q. 554 And was the drawer locked?
- 13 A. No, not for that particular.
- 14 Q. 555 How many drawers were there?
- 14:31:57 15 A. I think there were either three or four either side, I can't quite recall.
- 16 Q. 556 Three or four either side?
- 17 A. And then either one or two across the middle between them.
- 18 Q. 557 Sorry, are you saying that you don't know if any of them were locked or that
- 19 some of them may have been locked or what?
- 14:32:12 20 A. That's what I'm saying. I don't know whether they were locked on a daily basis
- 21 or whatever. All I know is that on the one or two occasions that he asked me
- 22 to retrieve something from the drawer that that particular drawer was unlocked.
- 23 Q. 558 Is it possible, Mr. Ward, that you as his private secretary would not know
- 24 whether a drawer was locked or not? Wouldn't you know if he kept a drawer
- 14:32:36 25 locked?
- 26 A. I wouldn't know because there were no official papers kept in those drawers or
- 27 anything. They were really his own private affairs. And I wouldn't have any
- 28 reason to go near them.
- 29 Q. 559 All right. Are you aware of him keeping money in those drawers?
- 14:32:52 30 A. I'm not.

- 14:32:53 1 Q. 560 Did you ever see any money in those drawers?
- 2 A. No.
- 3 Q. 561 How many times over your years with him between '91 and '94, it's three years I
- 4 think, would you have had occasion to go to those drawers either on your own
- 14:33:07 5 behalf or on his behalf?
- 6 A. I think at the very most I think probably about twice.
- 7 Q. 562 Only twice?
- 8 A. That's all, yeah.
- 9 Q. 563 All right. 18855, please.
- 14:33:18 10
- 11 I just want to refer you to your private interview with the Tribunal, Mr. Ward.
- 12 And if you have a look there at question 132. You are asked "and from time to
- 13 time then I take it you would have gone through at his request the content of
- 14 the entire of his desk?
- 14:33:41 15 A: I would have, yes.
- 16 Q: And you have no recollection of ever coming across a locked drawer in that
- 17 exercise?
- 18 A: No, I don't, no.
- 19 Q: And on the occasions when the desk wasn't locked and you went through the
- 14:33:57 20 desk, did you ever see any substantial sum of cash in any drawer there or
- 21 anything which might indicate that it contained papers other than State or
- 22 ministerial or Government papers?
- 23 A: No, I didn't, no. Those drawers used to be fairly empty, in fact there was
- 24 not much in them."
- 14:34:14 25
- 26 So Mr. Ward, when you were giving -- when you were assisting the Tribunal with
- 27 your private interview you were not aware of any locked drawer, isn't that
- 28 right?
- 29 A. That's correct, yeah.
- 14:34:26 30 Q. 564 And is that still your position, that you are not aware of a locked drawer?

- 14:34:30 1 A. Yeah, I don't know whether they were locked or not. The couple of occasions I
2 would have had to go to them would have been at his own request.
- 3 Q. 565 Yes.
- 4 A. And other than that, I wouldn't -- it's like anybody working with a colleague,
14:34:44 5 you don't go in to their desk and start looking through their drawers and I
6 would never have done that. What I was referring to in my evidence there was
7 those couple of occasions when I was asked.
- 8 Q. 566 Yes.
- 9 A. To look at the drawers.
- 14:34:58 10 Q. 567 But you said. You said at the interview that you had no -- you were asked "and
11 you have no recollection of ever coming across a locked drawer in that
12 exercise?
13 A: No, I don't, no".
- 14 A. No, I don't have any recollection.
- 14:35:13 15 Q. 568 "Those drawers would be fairly empty in fact there was not much in them".
- 16 A. Sorry, what's your question?
- 17 Q. 569 That's what you said "those drawers would be fairly empty."
- 18 A. As far as I know, yes.
- 19 Q. 570 Mr. Ward, can I suggest to you that the thrust of your answer to the person
14:35:31 20 interviewing you at that interview was that there was no locked drawer, that's
21 the thrust of your answer?
- 22 A. I don't think so because I am not in a position to either confirm or deny that.
23 I don't know whether they were locked or not. At that interview there I was
24 referring to a couple of occasions when I was asked to go to his drawer. Other
14:35:50 25 than that I wouldn't have any occasion whatsoever to go near them.
26
- 27 CHAIRMAN: Mr. Ward, did you say earlier that when Mr. Ahern would have asked
28 you to go to collect something from a drawer that it was to a specific drawer
29 or did it involve you going through ...
- 14:36:07 30 A. Well, it might. It's a long time ago. It might have meant looking through a

14:36:11 1 couple of drawers, I don't know whether he would have specified a drawer or
2 not.
3
4 CHAIRMAN: Well, are you in a position to say that you would have checked
14:36:19 5 every drawer during your time there?
6 A. I don't think so, no.
7
8 CHAIRMAN: All right. So what -- so where you did have to open a drawer out
9 of the total of the drawers, that wasn't locked?
14:36:34 10 A. That's correct.
11
12 CHAIRMAN: That's as far as you can put it?
13 A. That's correct, yes.
14 Q. 571
14:36:39 15
16 MR. MURPHY:
17 Q. 572 In the first question there at 132, Mr. Ward, you are asked "and from time to
18 time then I take it you would have gone through at his request the content of
19 the entire of his desk?
14:36:55 20 A: I would have, yes". That leaves no room for doubt, Mr. Ward, that over
21 your years working with Mr. Ahern you dealt with his desk and his drawers and
22 that you had access to them and that there was no locked drawer. Am I
23 mistaken?
24 A. Well, I am just confirming under oath here.
14:37:12 25 Q. 573 Yes.
26 A. That I would have only gone through his drawers at his request.
27 Q. 574 Yes.
28 A. And that only happened on a couple of occasions. I am sorry if I gave a
29 different impression there, that's what I meant.
14:37:23 30 Q. 575 Yes. Weren't you being given an opportunity at the questions in the private

14:37:26 1 interview to say whether or not you had any doubt about perhaps there is a
2 locked drawer and I don't know. Weren't you being given that opportunity and
3 you didn't take it to say, I don't know, perhaps some of the drawers were
4 locked and I just don't know?

14:37:40 5 A. Perhaps I was but I'm stating on record here now under oath.

6 Q. 576 All right.
7
8 18854, please.
9

14:37:46 10 Question 128, Mr. Ward. At the bottom of the page. "And as regards the
11 pedestal desk itself do you have any recollection of any section of that being
12 locked off to you?
13 A: No, no, I don't think he ever locked it. I don't think Albert Reynolds did
14 either to be honest. There were a number of drawers but I don't think they
14:38:14 15 were ever locked."

16 A. Yes.

17 Q. 577 Can you explain that answer to the Tribunal?

18 A. Well, as I said, I can't confirm whether they were ever locked or not. I think
19 they weren't, but I don't know.

14:38:34 20 Q. 578 Sorry, you think?

21 A. I think they weren't. I think that they weren't locked but I just don't know.

22 Q. 579 All right. Is it possible that 20,000 Pounds in cash was saved in any one of
23 those drawers between '91 and '94?

24 A. I'm sure it's possible, yes.

14:38:43 25 Q. 580 Without you knowing?

26 A. Yes, that would be possible.

27 Q. 581 Mr. Ward, how many drawers do you think you'd have accessed? You say Mr. Ahern
28 asked you to go to the drawers on I think did you say two occasions?

29 A. As far as I can recall, yes. I think probably about two.

14:39:15 30 Q. 582 All right?

14:39:15 1 A. Occasions. And --

2 Q. 583 In doing that presumably on each of those occasions you'd probably have had to

3 go have gone through all of the drawers looking for a number of them, is that

4 right?

14:39:27 5 A. No, I don't think so. As far as I can recollect, it is 14 years ago. As far

6 as I can recollect I think he would have told me a particular drawer to look in

7 or one or two drawers on the right-hand side, maybe something like that.

8 Q. 584 Yes.

9 A. I honestly don't recall at any stage going through each drawer systematically.

14:39:43 10 Q. 585 Yes. Did Mr. Ahern ever say to you that he had 20,000 Pounds or substantial

11 sums saved in his office in the Department?

12 A. No, he didn't.

13 Q. 586 Now, Mr. Ward, if I can ask you about the safe, please. You've told us where

14 the safe is. What size is the safe?

14:40:27 15 A. It would have been roughly I think about two-foot, two-foot six square,

16 something like that.

17 Q. 587 All right. Who had access to it?

18 A. There were two keys to it. Mr. Ahern would have had one key and I had the

19 other one.

14:40:45 20 Q. 588 All right.

21 A. But from time to time the assistant private secretary might have asked me for a

22 key to get something out of the safe but I had responsibility for the key, for

23 my key.

24 Q. 589 All right. What was primarily kept the safe for?

14:41:03 25 A. It was mostly official papers and Government papers.

26 Q. 590 All right. And what was the system in relation to those? How did they find

27 themselves in the safe?

28 A. Generally any files, any official papers that the Minister hadn't dealt with

29 during the day would have been taken off his desk and placed into the safe and

14:41:28 30 these would have been taken out again the following morning and left back on

14:41:32 1 the desk for him. It would also have been used to store Government papers in
2 preparation for the next Government meeting.

3 Q. 591 And would you be the person who would be putting those papers at the end of the
4 day into the safe and taking them out the next morning?

14:41:49 5 A. I would, yes.

6 Q. 592 All right. So we take it that there were important documents that were kept in
7 the safe largely on an overnight basis or perhaps longer?

8 A. Or perhaps longer, yes.

9 Q. 593 All right. And what else in your recollection between '91 and '94 was kept in
10 the safe?

11 A. I do recall at one stage there was a camera that he was given as a gift at some
12 occasion, and that was there for some time. And I remember I eventually drew
13 his attention to it in case he had forgotten about it. Other than that, that
14 would have been all.

14:42:25 15 Q. 594 Yes. Was there anything else?

16 A. Not that I recall.

17 Q. 595 There was the papers and there was the camera?

18 A. Yeah.

19 Q. 596 Is that right?

14:42:40 20 A. That's correct.

21 Q. 597 And are you forgetting this pouch that Mr. Ahern referred to and that you
22 referred to in your interview?

23 A. No, I'm not, no. That was there as well. Sorry. I thought you were still
24 referring to the papers. Yes, there was a pouch.

14:43:03 25 Q. 598 We moved onto the camera, Mr. Ward, and I was asking you was there anything
26 else?

27 A. Yes, I do recall the pouch there.

28 Q. 599 All right. Can you describe the pouch?

29 A. Yeah, as far I can recall it was a black or a dark grey sort of a plastic
14:43:19 30 pouch.

14:43:19 1 Q. 600 Yes?

2 A. I think it was probably the type you get from a bank.

3 Q. 601 Yes?

4 A. And it was probably, I don't know maybe four or five inches long.

14:43:30 5 Q. 602 Yes?

6 A. By three inches.

7 Q. 603 Yes. Made of what?

8 A. Plastic.

9 Q. 604 All right. And would it resemble a man's wallet? Would it be that sort of

14:43:43 10 thing?

11 A. Yeah, I suppose it would, yeah, yeah.

12 Q. 605 Yes.

13 A. It wasn't exactly what you would use as a wallet because it was plastic but

14 other than that yes, it would resemble a wallet.

14:43:53 15 Q. 606 In shape and size?

16 A. Yes.

17 Q. 607 All right. And can you tell me any more about that? Was that a fixture

18 effectively in the safe?

19 A. It was, yeah.

14:44:04 20 Q. 608 All right. And all right, and what was it used for?

21 A. Well, there was cash kept in it.

22 Q. 609 Yes.

23 A. Other than that, I can't tell you because it had nothing to do with us

24 officially. It was belonging to the Minister himself and his own private

14:44:25 25 affairs so ...

26 Q. 610 All right.

27 A. My only concern with it ever was that to make sure it was there.

28 Q. 611 Yes.

29 A. Because I felt a certain responsibility given that I was the only other key

14:44:45 30 holder to the safe.

14:44:45 1 Q. 612 Yes.

2 A. And I would have been putting in and taking out files from time to time and my

3 concern was to make sure that it didn't get taken out with files. And also

4 that it be available for the Minister any time that he wanted to find it in the

14:44:53 5 safe so that if I had a lot of files in the safe I would normally leave it on

6 its end up against the side of the safe so that he could easily see it there.

7 Q. 613 The safe was a locked safe with only you and Mr. Ahern having a key to it?

8 A. Yes.

9 Q. 614 And was it kept locked?

14:45:09 10 A. It was, yeah.

11 Q. 615 All right. You were aware of the pouch there as a constant? It was there all

12 of the time. You were conscious of it, you didn't want it getting mixed up

13 with papers falling out, that it would be there for him and so on?

14 A. That's right.

14:45:26 15 Q. 616 Did you ever have access to go into the pouch at his request?

16 A. Never.

17 Q. 617 Was it Mr. Ahern's pouch or was it a pouch that was in the safe from before?

18 A. It was his pouch. I never saw it there before he came.

19 Q. 618 All right. And can you give me any idea of how much money you think he might

14:45:50 20 have kept in it?

21 A. I can't I'm afraid.

22 Q. 619 Right. No idea at all?

23 A. No, I made it a rule for myself that I never took out the money or counted it

24 because I felt it was nothing to do with me. It was not my business.

14:46:05 25 Q. 620 Yes.

26 A. So I knew there was cash in it. You could see by looking at it that there was

27 cash in it, but I don't know what cash there was. I don't know what currencies

28 or what denominations or anything.

29 Q. 621 Were there coins in it?

14:46:19 30 A. I don't think so.

14:46:20 1 Q. 622 Would you not know that as a matter of fact?
2 A. I presume you would be able to feel them.
3 Q. 623 Yes.
4 A. In the pouch, but I don't ever recall that I felt that there was coins in it.
14:46:32 5 Q. 624 All right. And you don't know anything about the -- did you know that there
6 were notes in it?
7 A. I did, yeah.
8 Q. 625 Yes?
9 A. Yes.
14:46:39 10 Q. 626 How much how was that?
11 A. Because you could see them.
12 Q. 627 You could see the notes?
13 A. I could see them at the top of the pouch, I could see that there were notes in
14 it. Now, before he was appointed Minister for Finance I was talking to some of
14:46:59 15 the people that worked with him as Minister for Labour and I was asking them
16 the normal questions, like what he was like to work with and so on.
17 Q. 628 Yes?
18 A. And I do recall one of the officials telling me that he didn't operate a bank
19 account that he operated on a cash basis, which surprised me.
14:47:17 20 Q. 629 Uh-huh.
21 A. And so when I first saw the pouch in the safe I suppose I wasn't surprised
22 because I knew.
23 Q. 630 Uh-huh.
24 A. I had been told that he operates on a cash basis so I wasn't surprised.
14:47:29 25 Q. 631 Uh-huh. Why are you telling me this, Mr. Ward?
26 A. I'm trying to be helpful to you.
27 Q. 632 I didn't ask you if you were surprised about seeing it.
28
29 CHAIRMAN: Well, he is entitled to explain the basis on which he got used to
14:47:46 30 the idea that there was a pouch in the safe.

14:47:48 1
2 MR. MURPHY: Thank you, Chairman.
3
4 CHAIRMAN: Can I just ask you, Mr. Ward. This pouch, is this like something
14:47:53 5 like a cover for a cheque book, cheque books?
6 A. Yes, that type of material.
7
8 CHAIRMAN: Plastic was it?
9 A. That's correct, yeah.
14:48:00 10
11 CHAIRMAN: Was it see through or?
12 A. It wasn't see through, no. But it was open at the top like there were three
13 sides of it were sealed and it was open at the top.
14
14:48:09 15 CHAIRMAN: When you say, I know you didn't look into the pouch or count the
16 money. But was it a fat pouch, was it bulky or was it thin or do you know?
17 A. I've been thinking about this for quite a bit and I wouldn't say it was bulky
18 but from my recollection there may have been notes maybe an inch, inch and a
19 half deep in it.
14:48:42 20
21 CHAIRMAN: Well, if you can imagine a cheque book being in it. Would it be
22 fatter than a cheque book?
23 A. Oh, it would yes, yeah, yeah, yeah.
24
14:48:51 25 CHAIRMAN: Very well.
26
27 Q. 633
28 MR. MURPHY: What did you see of the notes that were in it, Mr. Ward?
29 A. I just saw the edges of the notes. You know the way you look into a wallet and
14:49:06 30 see that there are notes in it, that's as much as I saw.

- 14:49:09 1 Q. 634 You would have seen this on a daily basis because you would be moving it around
2 in the safe?
- 3 A. Yes.
- 4 Q. 635 Was there ever no money in it?
- 14:49:16 5 A. I don't think so, no.
- 6 Q. 636 But while you could see the edge of the notes you wouldn't be able to see what
7 the denomination was, is that correct?
- 8 A. That's correct, yeah.
- 9 Q. 637 All right. And could you make an attempt at what you think the sort of money
14:49:33 10 was, what sort of money do you think was in it?
- 11 A. I really don't know what the denominations were, I don't know what the
12 currencies were.
- 13 Q. 638 Did you ever have any idea how much might be in it?
- 14 A. No.
- 14:49:47 15 Q. 639 Have you ever given it any thought as to how much was in it?
- 16 A. I have, I have given it thought since I gave my private evidence before.
- 17 Q. 640 Yes. You have given it thought as to how much money might be in it?
- 18 A. Yes.
- 19 Q. 641 And is it the conclusion that you've come up with is that you just don't know,
14:50:02 20 you just can't know?
- 21 A. I can't tell you. I don't know the currencies, I don't know the denominations
22 so I can't take a guess. All I can tell you is that roughly the width of the
23 notes that were in it. And I would say from memory that it was maybe about an
24 inch or an inch and a half. If that's 50 Euro notes that could be substantial.
14:50:20 25 If it's 10 Euros notes it might be a more modest sum.
- 26 Q. 642 Yes. Did you ever have an idea in your head as to what it might be?
- 27 A. No, I always presumed it was his salary.
- 28 Q. 643 Yes.
- 29 A. But to be honest with you, it wasn't something that concerned me that much.
- 14:50:38 30 Q. 644 No?

14:50:38 1 A. We were particularly busy in there as you can imagine.

2 Q. 645 I didn't --

3 A. My only concern was to make sure that it was there and that it didn't get lost.

4 Q. 646 Yes. I appreciate that. You weren't concern about it, it was none of your

14:50:50 5 business, nothing to do with it. But you kind of thought whatever was in it

6 was consistent with the proceeds of his salary cheque, is that what you're

7 saying?

8 A. That is what I would have thought without giving it any great degree of --

9 Q. 647 Which would be a matter of hundreds?

14:51:03 10 A. I don't know.

11 Q. 648 You don't know what his salary was?

12 A. I don't know. I know I was asked when I was giving my private.

13 Q. 649 Yes?

14 A. Evidence and I speculated 3 or 400. When I thought of that afterwards I simply

14:51:14 15 don't know.

16 Q. 650 Yes. You didn't in fact speculate in fact 3 or 400, Mr. Ward. 18854, please.

17

18 At question 122 you were asked "so doing the best you can, can you give us any

19 indication of what it is likely that the maximum amount of money that you ever

14:51:42 20 saw in one of these wallets?

21 A: Well, you know I never saw anything that would have been a large amount of

22 money. Now this is a guess you know but it could be maybe 400/ 500 Euro." I

23 suppose at the time it was Pounds would be talking about, isn't that right?

24 A. Yes.

14:51:59 25 Q. 651 "Something like that. This is a guess on my part, but it would be something in

26 that area like. I never saw huge wads of notes or anything like that, you

27 know. As I say I always felt that it was consistent with the salary you know".

28

29 Now that's what you told the Tribunal.

14:52:11 30 A. That's correct.

- 14:52:12 1 Q. 652 Are you changing that in any way?
- 2 A. I'm not. I think I was being pressed there to say how much.
- 3 Q. 653 Yes?
- 4 A. And I had no basis for doing that. I said four or 500 Euros but that's because
- 14:52:23 5 I always assumed that it was his salary.
- 6 Q. 654 Yes?
- 7 A. And that it would be spare cash that he had.
- 8 Q. 655 Yes?
- 9 A. But I don't know. As I said to you, I have given this matter some thought
- 14:52:33 10 since and I have been trying to think roughly what width the pouch was.
- 11 Q. 656 Yes?
- 12 A. And from my recollection of that depending on what currencies or what
- 13 denominations it could be quite more substantially more than 4 or 500 Euros or
- 14 Punts.
- 14:52:51 15 Q. 657 You said there, "I never saw huge wads of notes or anything like that" isn't
- 16 that right?
- 17 A. Yeah.
- 18 Q. 658 Is that still true?
- 19 A. That's correct. Now, what I meant about that is I never opened the safe and
- 14:53:02 20 saw stacks of notes in it.
- 21 Q. 659 Do you mean, sorry, are you distinguishing between the safe and the wallet?
- 22 A. Yes. What I'm saying is I never opened the safe and saw two or three piles of
- 23 money and I've told you what I saw in the wallet would have been maybe about an
- 24 inch, an inch and a half thick.
- 14:53:32 25 Q. 660 Yes. But nobody is talking about wads, nobody is talking about bundles of
- 26 money of notes in the safe it's --
- 27 A. Sure.
- 28 Q. 661 It's the wallet we're talking about, Mr. Ward?
- 29 A. Sure, yeah.
- 14:53:41 30 Q. 662 And you were asked "what was likely of the maximum amount of money that you

14:53:45 1 ever saw in any one ever these wallets?

2 A: I never saw huge wads of notes or anything like that you know."

3 A. Yes, yeah.

4 Q. 663 So you didn't see huge wads of notes in the wallet?

14:53:57 5 A. That's correct, yeah, yeah.

6 Q. 664 And 18856, please.

7

8 At question 146 you are asked "so it would probably be wrong to describe it as

9 only petty cash but at the same time it was not substantial?

14:54:24 10 A: It wasn't substantial, no.

11 Q: And you don't think it was anything approaching 1,000?

12 A: I wouldn't. I don't think so, no.

13 Q: It was consistent with what might be retained having cashed a wages cheque

14 and met expenses that type of thing?

14:54:48 15 A: Yes, it would be a mixture of 50 Euro, 20 Euro, and 10 Euro notes and they

16 might be maybe a few inches thick so I am guessing a few hundred Euro".

17

18 And over to the next page.

19

14:54:53 20 And then

21 Q: Well, inches?

22 A: I don't know to be honest.

23 Q: A few inches of 50's and you are into very substantial money?

24 A: Well, now, sorry, I mean loosely put in and at a guess and I am only

14:55:07 25 guessing, I would say 500 or 600 at the most."

26

27 Now, I suggest to you, Mr. Ward, that your answers there are very clear. That

28 it's around 5 or 600 and it's not anything approaching 1,000 and you are saying

29 it's a mixture of 50s, 20s and 10s. That's what you told the Tribunal about

14:55:30 30 what you saw in this wallet.

14:55:31 1 A. I think there is reference to the 50s, 20s and 10s refers to the time he kept
2 money in the safe in the Department of the Taoiseach.

3 Q. 665 Well, if we go up further in the page then. Back to 18856, please.
4

14:55:49 5 And if you go to question 138 and we'll start at the top of the page "and you
6 can confirm that in it there was no cash other than in this wallet?
7 A: That's correct, yes.

8 Q: And that wallet remained throughout the period you were there. Now I am
9 not talking about 1997 but up to 1994 and then at some later stage you have
14:56:12 10 having moved on perhaps to another Department?
11 A: Yes.

12 Q: You came back and there was a system that might not have been exactly the
13 same but did involve some element of cash being kept in the office?
14 A: That's correct, yes.

14:56:23 15 Q: And the cash that was in the office on that second occasion was probably
16 more visible in the sense that it was in a box rather than in a wallet?
17 A: That's right, yes.

18 Q: And it contained both coin and notes?
19 A: There no coin just notes.

14:56:37 20 Q: But the notes you access by lifting the coins and the cash was beneath it?
21 A: That's right, yes.

22 Q: Was the quantity of cash any greater than?
23 A: No, it would be about the same.

24 Q: About the same?
14:56:49 25 A: Yes.

26 Q: So it would probably be wrong to describe it as only petty cash but at the
27 same time it was not substantial?
28 A: It wasn't substantial, no.

29 Q: And you don't think it was anything approaching a 1,000?
14:57:00 30 A: I wouldn't, I don't think so, no.

14:57:02 1 Q: It was consistent with what might be retained having cashed." And then
2 going on.
3 A. Uh-huh.
4 Q. 666 And I think at that point, Mr. Ward, you are being asked about the money that
14:57:12 5 Mr. Ahern kept throughout the period. You think that's not the case is that
6 right?
7 A. Throughout which period?
8 Q. 667 From --
9 A. Pardon?
14:57:21 10 Q. 668 The earlier period as well?
11 A. No, that period there about the 50s, 20s and 10s was to do with the cash box
12 that he kept in the Department of the Taoiseach, and I actually did see what
13 denominations were there because that particular safe was a combination safe
14 and he was asking me to go in and open it for him there. So I would see the
14:57:48 15 denominations there.
16
17 CHAIRMAN: Mr. Ward, you see question 144 there "was the quantity of cash any
18 greater than" now at that point you were talking I think at the interview about
19 the later period 1997?
14:58:06 20 A. That's correct, yeah.
21
22 CHAIRMAN: And did you understand there that you were being asked was the
23 quantity of cash any greater than in the earlier period?
24 A. Yes.
14:58:16 25
26 CHAIRMAN: I don't know whether you did or didn't?
27 A. Yeah.
28
29 CHAIRMAN: But what did you understand was? Because you then go on to
14:58:25 30 describe the, you know, the fact that you were talking about a few hundred.

- 14:58:33 1 Did you believe then you were talking about the same amount of cash
2 approximately as in the earlier 1994 period?
- 3 A. I did, yes. At all times I always presumed that what we were talking about was
4 his salary money. I also thought that's what it was in the Department of
14:58:54 5 Finance as well. I never had an occasion in Finance to actually see the money.
6 I could only guess what was in it. And it wasn't something I gave an awful lot
7 of thought to. In the Department of the Taoiseach I would actually have seen
8 the denominations.
9
- 14:59:08 10 CHAIRMAN: And --
- 11 A. And the notes.
12
- 13 CHAIRMAN: And at that time it was definitely salary money?
- 14 A. It was small amounts of money, yeah definitely. And I just presumed that this
14:59:21 15 was a continuation of the practice that he had in Finance.
16
- 17 CHAIRMAN: But of course the container was different?
- 18 A. The container was different, yes.
- 19 Q. 669
14:59:31 20
- 21 MR. MURPHY: Mr. Ward, I understand Mr. Ahern to have told the Tribunal at his
22 private interview that he kept 20,000 Pounds in this pouch in this safe. Could
23 he have as far as you are concerned, could there have been 20,000 in the pouch
24 or wallet in this safe?
- 14:59:49 25 A. Well, it's very hard for me to speculate because I don't know what. As I said,
26 I don't know what the denominations were or the currency was. So I don't know.
27 I suppose as I said from my memory, I think there was roughly about an inch
28 thick of notes. Now, if they were 50 Euro notes I don't know how much that
29 would amount to.
- 15:00:14 30 Q. 670

15:00:14 1
2 MR. MURPHY: Do you think you could come in --

3 A. Sorry, maybe what I should say is. Personally I don't know how thick a bundle
4 of -- how much 20,000 in we'll say 50 punt notes, how thick that would be.

15:00:30 5 Q. 671 All right.

6 A. I don't know. So I can't judge.

7 Q. 672 18854, please. If I could just go back to the question. Going back to
8 question 122, Mr. Ward. "So doing the best you can, can you give us any
9 indication of what it is likely that the maximum amount of money that you ever
10 saw in any one of these wallets?

11 A: Well, you know I never saw anything that would have been a large amount of
12 money. Well, now this is a guess you know but it could be maybe 400/500
13 something like that. That is a guess on my part but it would be something in
14 that area like. I never saw huge wads of notes or anything like that you know.
15 As I say I always felt that it was consistent with the salary you know".

16
17 That is very different from saying that there could have been 20,000, you don't
18 know?

19

15:01:32 20 CHAIRMAN: Well --

21

22 MR. MURPHY: Isn't that right, Mr. Ward?

23

24 CHAIRMAN: Yeah. I mean I don't think Mr. Ward is suggesting that anything
15:01:41 25 more than that. He says he simply doesn't know other than that there was a wad
26 of notes.

27 A. Yeah.

28

29 MR. MURPHY: When you were talking to the Tribunal in private interview you
15:01:52 30 say, you, at that time as far as you were concerned you never saw anything that

15:01:55 1 would have been a large amount of money. That's what your belief was at that
2 time?

3 A. I would have believed that it was his salary cheque or salary cash that was
4 there and that's what I would have sums like 4 or 500 Punts in my head. But I
15:02:13 5 simply don't know. I'd like to be able to help you but I don't know.

6
7 CHAIRMAN: That's all right.

8 Q. 673

9
10 MR. MURPHY: Thank you, Mr. Ward.

11
12 CHAIRMAN: All right. Mr. Maguire, do you want to ask?

13
14 MR. MAGUIRE: Just one or two questions, Chairman.

15:02:23 15
16 **THE WITNESS WAS QUESTIONED BY MR. MAGUIRE AS FOLLOWS:**

17
18 Q. 674

19
15:02:25 20 MR MAGUIRE: Just for the record in relation to it, and I think you know it
21 well. But when you describe yourself as a private secretary. You are first of
22 all a civil servant, is that correct?

23 A. That's correct.

24 Q. 675 And the use of the term "private secretary" is that you are the Civil Service
15:02:41 25 private secretary to the Minister, is that correct?

26 A. That's correct.

27 Q. 676 You are not an employee of the Minister, or you don't have any relationship
28 other than a Civil Service relationship with, in this case, Mr. Ahern, is that
29 correct?

15:02:52 30 A. That's correct, yes.

- 15:02:52 1 Q. 677 And I think when you gave your evidence both in the private interview and in
2 the, here today that you have been trying to give the best evidence you can in
3 that capacity, is that correct?
- 4 A. That's correct.
- 15:03:06 5 Q. 678 And you wouldn't deal with Mr. Ahern's private affairs, is that correct?
- 6 A. I wouldn't have.
- 7 Q. 679 And I think that you went some distance when you were being asked in private
8 interview to point out that you would have kept away from dealing with anything
9 that was in the pouch as you describe it?
- 15:03:23 10 A. Absolutely. I always made a rule for myself that I wouldn't touch that money.
11 It had nothing to do with me at all. My only concern was to ensure that it was
12 there and available to him if he needed it.
- 13 Q. 680 And I think that you expressed it even a little stronger than that. You didn't
14 want to be associated with it?
- 15:03:40 15 A. That's correct.
- 16 Q. 681 If anything was missing or that, you wanted to be in a position to say that you
17 hadn't interfered with it in any shape or form?
- 18 A. That's right. I always felt somewhat nervous about it of the fact that I was
19 the only other key holder. And I was somewhat concerned if any of the money
20 went missing or the whole of any of the money went missing, suspicion would
21 fall on me as the only other key holder. I always was at pains never to touch
22 the cash, take out the cash and count it, that's the reason I never did.
- 15:03:55 23 Q. 682 And all of this was against a background that you had been informed even before
24 you started your work with Mr. Ahern that he didn't have a bank account and he
25 cashed his cheques?
- 26 A. That's correct, yes.
- 27 Q. 683 Just on that particular fact that is what you observed insofar as you observed
28 the way in which he handled his payments that were made to him, is that
29 correct?
- 15:04:14 30 A. That's correct.

15:04:37 1 Q. 684 Mr. Murphy has pressed you in relation to the drawer in the desk and insofar as
2 that's important, it is true to say that Mr, drawers in the desk, it is true to
3 say that Mr. Ahern had a key to the drawers, is that correct?
4 A. As far as I can recall he had. Yeah. I wouldn't be a hundred percent on that
15:04:49 5 now, I don't know.
6 Q. 685 I think you said that in your direct interview.
7 A. Yeah.
8 Q. 686 That he would have been able to lock the drawer and you didn't have a key and
9 he had?
15:04:56 10 A. I certainly didn't have a key, yeah, I know that for a fact. There were
11 lockable drawers and I think, yes, as far as I can recall, I'm not a hundred
12 percent.
13 Q. 687 He will say that he had a key to the drawers and that he locked the drawers
14 from time to time, is that correct?
15:05:11 15 A. Yes, he my well have. They were certainly lockable drawers.
16 Q. 688 You are not in a position to contradict the fact that he would have locked the
17 drawers?
18 A. No, I'm not.
19 Q. 689 I have no further questions.
15:05:25 20
21 CHAIRMAN: All right. Thank you.
22
23 JUDGE KEYS: Mr. Ward, just to clear up in my own mind. You may have already
24 done so and I just may have missed out. There were two safes. One in the
15:05:37 25 Department of Finance and one in the Taoiseach's office, is that correct?
26 A. That's correct, yeah.
27
28 JUDGE KEYS: You say in the Department finance it was a pouch?
29 A. Yes.
15:05:44 30

15:05:44 1 JUDGE KEYS: Just to clear up in my own mind. You say that the safe in the
2 Taoiseach's office you could see the denominations?
3 A. Yeah.
4

15:05:52 5 JUDGE KEYS: Is that because it wasn't a pouch, it was some other --
6 A. It was a money box.
7

8 JUDGE KEYS: A money box?
9 A. Yeah.

15:05:56 10
11 JUDGE KEYS: Do I take it then that there was no pouch in the Taoiseach's
12 office?
13 A. No, I never saw a pouch in the Taoiseach's office.
14

15:06:03 15 JUDGE KEYS: Thank you
16
17 CHAIRMAN: Thank you very much, Mr. Murphy
18 A. Thank you.
19

15:06:09 20 **THE WITNESS THEN WITHDREW.**
21
22

23 MS. FOLEY: Ms. Sandra Cullagh, please.
24

15:06:13 25 MR. O'DONNELL: Chairman, Barry O'Donnell. I am seeking a grant of limited
26 representation on behalf of Ms. Cullagh instructed by Frank Ward & Co.
27 Solicitors.
28

29 CHAIRMAN: All right. Granted.
15:06:22 30

15:06:22 1 MR. O'DONNELL: Thank you, Chairman.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

- 15:06:25 1 **MS. SANDRA CULLAGH, HAVING BEEN SWORN,**
2 **WAS QUESTIONED BY MS. FOLEY AS FOLLOWS:**
3
4 CHAIRMAN: Good afternoon, Ms. Cullagh.
- 15:06:42 5 A. Good afternoon.
6 Q. 690
7
8 MS. FOLEY: Good afternoon, Ms. Cullagh,
9 A. Good afternoon.
- 15:06:47 10 Q. 691 You have been working for Mr. Ahern since about 1983, is that correct?
11 A. That's correct.
12 Q. 692 And how did that come about?
13 A. Well, my father worked in Leinster House and he was involved actively in
14 politics outside his job. And I had done ANCO course, secretarial ANCO course,
15:07:11 15 and my Dad came home one day and said that -- I lived also in the constituency
16 that the Taoiseach represented, which is Dublin central. And my Dad came home
17 one day and said that there was a new TD in Leinster House and he was looking
18 for somebody to work in his constituency office. So that's how I became to
19 work for the Taoiseach.
- 15:07:34 20 Q. 693 So where did you start working then?
21 A. I started working in 146 Lower Drumcondra Road which is over Fagan's pub.
22 Q. 694 And then where did you move on to?
23 A. I then moved on to the Department of Labour, Mespil Road when the Taoiseach
24 became Minister for Labour.
- 15:07:51 25 Q. 695 That would have been around March 1987?
26 A. Yes, yes.
27 Q. 696 And did you stay then with Mr. Ahern while he was the Minister For labour?
28 A. I did indeed.
29 Q. 697 In his office in Mespil Road?
15:08:02 30 A. I did indeed.

- 15:08:03 1 Q. 698 When he moved to the Ministry of Finance in November '91, did you move with him
2 then?
3 A. I did.
4 Q. 699 Where did you go to there?
15:08:10 5 A. Over to the Department of Finance.
6 Q. 700 In?
7 A. In Government buildings.
8 Q. 701 In Government buildings?
9 A. Yeah.
15:08:16 10 Q. 702 And then come the end of 1994 when Mr. Ahern became Party Leader then?
11 A. I moved to Kildare House just for a very, very short time and then I moved out
12 to St. Luke's.
13 Q. 703 So that was the end of '94, do you think?
14 A. Yeah.
15:08:33 15 Q. 704 And at what point did you become, have the duties of dealing with Mr. Ahern's
16 personal finances?
17 A. Well, during that period that I started working for him and we moved that he
18 became Minister for Labour, the Department of Labour paid my cheque and they
19 also paid the Taoiseach's salary, sorry I should say salary. So on a Thursday
15:09:03 20 my cheque came down from the personnel section and I'd go over to the bank and
21 cash my cheque, and sometimes the Taoiseach would know that I was going over
22 and he would ask me to cash his cheque for him.
23 Q. 705 Would that be, that wouldn't be necessarily every, for every cheque.
24 A. Not, not every week because I got paid weekly but I think he either got paid
15:09:26 25 every two weeks or monthly I'm not a hundred percent sure on that.
26 Q. 706 And was there, would there have been two cheques, a ministerial cheque and TDs
27 cheque, do you know?
28 A. The Taoiseach often gave me two cheques to change for him in the bank.
29 Q. 707 And over a period of time would there ever have been an accumulation of cheques
15:09:47 30 or would it be done intermittently as they were paid?

- 15:09:53 1 A. Often he gave me ... I think on one occasion I would have had four cheques to
2 change for him.
- 3 Q. 708 Uh-huh?
- 4 A. That he may have held on to them.
- 15:10:01 5 Q. 709 Uh-huh?
- 6 A. And he asked me to cash them for him.
- 7 Q. 710 But it wouldn't be more than four?
- 8 A. No.
- 9 Q. 711 And then when you returned to the office with the cash what did you do with the
15:10:12 10 proceeds of the cheque then?
- 11 A. Well, I would go into his office in the Department and if he was there I would
12 hand him the money. If he wasn't there I would put it in an envelope and leave
13 it for him either on his desk or in his drawer.
- 14 Q. 712 And did you have any other duties with the money which would you have say for
15:10:31 15 example paid bills, or made lodgements to Mrs. Ahern's accounts or the
16 daughters accounts or?
- 17 A. I didn't make any lodgements to his wife's account. I think once or twice I
18 may have made lodgements to his daughters, Cecelia and Georgina's accounts.
- 19 Q. 713 You wouldn't have been paying bills on behalf of Mr. Ahern with the monies?
- 15:10:52 20 A. Not at that time. Not at that time.
- 21 Q. 714 And when you gave the cash then to Mr. Ahern in the office, where did he put
22 it?
- 23 A. Well if I ... if I had to bring the money over to him in St. Luke's which I did
24 occasionally because I lived out in Drumcondra, he would put the money in his
15:11:10 25 safe.
- 26 Q. 715 And then if it was while he was in the Department, in the Department offices
27 what would he do with the money?
- 28 A. I would hand him the money and he would put it in the safe.
- 29 Q. 716 You may also have seen the extracts that were put to Mr. Ward, the previous
15:11:29 30 witness. But I would just like to put them up for you again, please.

- 15:11:33 1
2 17832. Paragraph 10. This is from Mr. Peelo's report of April 2006. At
3 paragraph 10.
4
- 15:11:49 5 It's stated that "Mr. Ahern's personal expenditure during circa 7 years, '87 to
6 '93 were low and cash balances nett of his maintenance payments accumulated
7 over this period. These cash balances were kept in a safe in Mr. Ahern's
8 constituency office in Drumcondra and in his department office. The foregoing
9 can be confirmed by a number of colleagues and/or assistants of Mr. Ahern".
- 15:12:13 10
11 Would you have had access, Ms. Cullagh, to the safe in the constituency office
12 in Drumcondra and in the Department office?
13 A. Not in the Department office but in the constituency office in St. Luke's
14 Q. 717 And Mr. Ahern, as you will have heard earlier on in his interview said that his
15 salary would normally come to St. Luke's, his TD's salary would normally go to
16 St. Luke's and the Departmental salary would go to the department and this
17 explains the reason for the monies being held in both safes. What would you
18 have to say to that, Ms. Cullagh?
19 A. In relation to what?
15:12:52 20 Q. 718 In the ministerial salary and the TD's salary would come in two different
21 cheques. Mr. Ahern suggests that they came to two different addresses. One
22 went to the Department office and one arrived in Drumcondra. Would that accord
23 with your ...?
24 A. I can't recall.
15:13:08 25 Q. 719 You can't recall that?
26 A. I don't know where.
27 Q. 720 So you didn't cash just a particular cheque, you cashed whatever cheque you
28 were handed basically?
29 A. Yes, yes, yes.
15:13:17 30 Q. 721 So from the point of view then of Mr. Ahern putting it into a safe. It was

- 15:13:21 1 wherever you gave him the money that he would put it into the safe in
2 Drumcondra if that took place in Drumcondra, or in the Departmental office if
3 you gave him the money there?
- 4 A. Yes, yes.
- 15:13:31 5 Q. 722 Yes.
- 6 A. But I did not have access to the safe in the Departmental office.
- 7 Q. 723 If I could have 21692, please.
- 8
- 9 Paragraph nine. This is an extract from a letter from your solicitor's, Frank
10 Ward & Co. of the 6th of June 2006.
- 11
- 12 At paragraph nine it reads "an employee, Sandra Cullagh, who worked in the
13 Drumcondra office and as his personal secretary in Government would from time
14 to time have had access to the safe."
- 15:14:03 15
- 16 So your evidence, Ms. Cullagh, is that that means that the safe in Drumcondra?
- 17 A. I think what they mean there is that I would have had access to the Drumcondra
18 safe not the safe in Government buildings, or in the Department of Finance.
- 19 Q. 724 Mr. Ahern has told the Tribunal that in or around the 25th of April 1994 a
15:14:39 20 lodgement to his account of 30,000 Pounds came from the safe in St. Luke's.
21 Would you recall having seen 30,000 in the safe in St. Luke's in April 1994?
- 22 A. No.
- 23 Q. 725 And similarly in October 1994. There is a lodgement to Mr. Ahern's account of
24 24,838.40. A portion of which was Sterling. This money was held for the -- in
15:15:09 25 the safe in Drumcondra for an indefinite period of time. Would you recall
26 seeing that amount of money at that time in the safe in Drumcondra?
- 27 A. No.
- 28 Q. 726 Would you recall having seen Sterling in the safe in Drumcondra?
- 29 A. No.
- 15:15:22 30 Q. 727 Or would you recall having seen in December 1994, Dollars or Sterling in the

- 15:15:28 1 safe in Drumcondra?
- 2 A. No.
- 3 Q. 728 Did you see, what kind of amounts of money did you see in that safe?
- 4 A. Well, very I, very rarely went to the safe. If I did go to the safe it was to
- 15:15:46 5 put a file in the safe or take a file out. There was a shelf that had some
- 6 money on top of it but I would respect the Taoiseach's privacy and I wouldn't
- 7 look at the money or touch the money, you know. Again, I would just rather
- 8 have nothing to do with anything to do with money because it again I just
- 9 respect his privacy, and I would just take the file out or put the file back
- 15:16:11 10 in.
- 11 Q. 729 And was the money sitting loosely on a shelf?
- 12 A. I can't recall.
- 13 Q. 730 Or was it in a bag or an envelope or ...?
- 14 A. It was just money on a shelf.
- 15:16:22 15 Q. 731 And was it the kind of amounts consistent with the cheques, the salary cheques
- 16 that you had cashed for him, did it seem to you?
- 17 A. I can't recall. It's a long, long time ago. I didn't, you know, I didn't take
- 18 note of what size the money was or anything like that.
- 19 Q. 732 Mr. Ahern has also told the Tribunal that between January 1995 and June 1995 he
- 15:16:45 20 acquired 30,000 Sterling from an Irish withdrawal of 50,000 Pounds which was
- 21 also in the safe in Drumcondra. Now, do you recall seeing the 50,000 Pounds in
- 22 Irish money at that time in the safe?
- 23 A. Again, I didn't ... when I went to the safe I took a file out. I put a file
- 24 in. I didn't look at monies. I never touched monies, counted monies. I
- 15:17:09 25 didn't take note of monies. I saw that there was money there but I couldn't
- 26 the estimate, you know, how much.
- 27 Q. 733 And do you recall ever having been asked to purchase Sterling on behalf of
- 28 Mr. Ahern?
- 29 A. No.
- 15:17:20 30 Q. 734 And did recently did Mr. Ahern ever ask you if he had asked you to purchase

- 15:17:25 1 Sterling for him?
- 2 A. He did ask me that maybe going back about six, seven months ago when we were
3 checking information for yourselves, for the Tribunal, yeah.
- 4 Q. 735 Thank you. Now, Ms. Cullagh, in the latter half of 2006 from approximately
15:17:55 5 September to December I think you had some involvement in the repayment of the
6 goodwill loans made to Mr. Ahern in December '93 and October 1994. And I think
7 that Mr. Chawke, if we just take you through each of the repayments one at a
8 time. Mr. Chawke has told the Tribunal that he got a phone call saying that he
9 was getting a cheque back from Mr. Ahern. And that he got a phone call from
15:18:25 10 one of Mr. Ahern's staff to ask would he be in The Goat to take possession of a
11 cheque. Would that have been yourself?
- 12 A. I did ring some people, some friends of the Taoiseach. I can't recall if I
13 rang Charlie Chawke. But I did call some of the people.
- 14 Q. 736 And do you recall if you had sent a cheque out to The Goat pub for Mr. Chawke's
15:18:46 15 attention?
- 16 A. I sent some cheques out. Most of the cheques I sent out to the people that
17 were involved in the loan. I can't recall individually.
- 18 Q. 737 So you don't recall organising that cheque to be delivered to Mr. Chawke?
- 19 A. I can't recall 100 percent if I sent Mr. Charlie Chawke's cheque out or not.
15:19:12 20 I'm not a hundred percent sure.
- 21 Q. 738 Could I have pages 19552 and 19553 side by side on the screen, please.
22
- 23 I don't know is it possible to put them on top of each other. Sorry. I don't
24 know if you can read that, Ms. Cullagh. This is the cheque made payable to
15:19:43 25 Charlie Chawke and the reverse of the same cheque which is signed by Mr.
26 Chawke. Thank you. Do you recognise the handwriting on the cheque,
27 Ms. Cullagh?
- 28 A. I do, yes.
- 29 Q. 739 Whose is it?
- 15:20:05 30 A. It's mine.

- 15:20:08 1 Q. 740 And were you asked by anybody to fill out these cheques?
- 2 A. The Taoiseach probably asked me to fill out the cheque. I can't recall 100
- 3 percent.
- 4 Q. 741 Mr. Chawke has also told the Tribunal that Mr. Carew phoned him and suggested
- 15:20:36 5 that the payment, the reimbursement of the loan would be given to a charity and
- 6 that he suggested a charity called CARI which is a charity that is associated
- 7 with Mrs. Ahern. Did you have any discussions with Mr. Carew or Mr. Chawke
- 8 about this?
- 9 A. I only would have spoke to Dermot when he came in to the office and he signed
- 15:21:01 10 the receipt and that he said that he was handing, he was giving the cheque to
- 11 CARI.
- 12 Q. 742 But when you sent the cheque out, this cheque out to Mr. Chawke, you had no
- 13 contact with Mr. Chawke on that subject?
- 14 A. I can't recall a hundred percent. I can't recall.
- 15:21:16 15 Q. 743 And you don't recall if you phoned Mr. Chawke in advance to tell him the cheque
- 16 was coming or?
- 17 A. I can't recall. I mean my office is extremely busy office so I can't recall
- 18 every ... you know detail of that day.
- 19 Q. 744 Uh-huh. Could we have page 21727, please. This is a a receipt from, for Mr.
- 15:21:41 20 Chawke from the CARI Foundation for the sum of 5,914 Euro dated the 13th of
- 21 November 2006. Now, Mr. Chawke has told the Tribunal that he never asked for
- 22 this receipt and he was surprised to get it. Would you know how Mr. Chawke got
- 23 this receipt? Would you have been in touch with CARI for example and asked
- 24 them to send it to Mr. Chawke?
- 15:22:06 25 A. I would have been in touch with CARI, with Mary Flaherty, she is the Director
- 26 of CARI and.
- 27 Q. 745 And do you recall asking her to send out receipts?
- 28 A. Did I ask her to send receipts, yeah.
- 29 Q. 746 Could I have page 19568, please. This is an acknowledgement for the cheque for
- 15:22:37 30 5,914 comprising 3,174 loan repayment and 2,740 interest on the loan and it's

- 15:22:44 1 addressed to Mr. Bertie Ahern, TD, and signed by Charlie Chawke. It's dated
2 the 14th of December 2006. Mr. Chawke has told the Tribunal that somebody came
3 out from Mr. Ahern's office and asked him to sign this and that he signed it in
4 front of the person from Mr. Ahern's office and returned it. Would that have
15:23:04 5 been yourself?
- 6 A. I'm just thinking about it. Because, I didn't think you were going to be
7 asking me about this. I thought it was just my statement. And I just remember
8 now that it was somebody in the Department that did that. It wasn't myself.
9 It was somebody in the Taoiseach's Department.
- 15:23:19 10 Q. 747 That did what?
- 11 A. That.
- 12 Q. 748 The acknowledgement?
- 13 A. Yeah. That I think -- what you said was called out to Mr. Chawke.
- 14 Q. 749 Mr. Chawke, yeah?
- 15:23:29 15 A. Do you want to repeat that question again.
- 16 Q. 750 I was asking you who it was that called out to Mr. Chawke with the
17 acknowledgement for signature?
- 18 A. As far as I know it was somebody in the Department of the Taoiseach.
- 19 Q. 751 And was it you that asked them to do it?
- 15:23:42 20 A. No.
- 21 Q. 752 No?
- 22 A. No.
- 23 Q. 753 Who asked them to do it?
- 24 A. I don't know.
- 15:23:45 25 Q. 754 And how do you know that somebody from the Department brought out this cheque
26 to Mr. Chawke or brought out, sorry, this acknowledgement to Mr. Chawke?
- 27 A. It just came back to me there when I saw it that it was somebody else had been
28 dealing. I had been dealing more with Dermot Carew, Barry English and Joe
29 Burke and Paddy Reilly.
- 15:24:05 30 Q. 755 And then somebody from the Department. Which Department is this?

- 15:24:09 1 A. The Department of An Taoiseach.
- 2 Q. 756 Do you know who it was?
- 3 A. No.
- 4 Q. 757 Then the next donor would be Mr. Michael Collins who I believe lives in
- 15:24:23 5 Australia. And we, I don't have any documentation or the copy of the cheque or
- 6 acknowledgement. I am wondering if you have any recollection or have any
- 7 involvement with the repayment to Mr. Collins?
- 8 A. I think that was sent out in the post again to Australia.
- 9 Q. 758 And was an acknowledgement sent out to him as well for signature, do you
- 15:24:41 10 recall?
- 11 A. I can't recall.
- 12 Q. 759 And the cheque would have been filled out by you, do you think?
- 13 A. I can't recall. I wasn't, I didn't know you were going to be asking about this
- 14 so I'm not a hundred percent sure.
- 15:24:56 15 Q. 760 Okay.
- 16 A. I can't recall.
- 17 Q. 761 Would you know if that cheque has since been cashed as of the end of November
- 18 it hadn't yet passed through Mr. Ahern's bank account. Would you know if it
- 19 has gone through since?
- 15:25:09 20 A. I don't know. I don't go through the Taoiseach's bank accounts.
- 21 Q. 762 Bank accounts?
- 22 A. No.
- 23 Q. 763 No. And could I have page 21689, please.
- 24
- 15:25:22 25 You see there, Ms. Cullagh, that's a cheque made payable to Mrs. Maureen Gunne
- 26 dated 29th of September 2006. And I think that the handwriting on the date
- 27 lookings similar to the previous cheque which you filled out, but that the
- 28 handwriting in the body of the cheque looks different. Do you recognise either
- 29 of those handwritings?
- 15:25:45 30 A. I don't.

- 15:25:48 1 Q. 764 No?
- 2 A. I'm not sure if that's my writing on the date but certainly not my writing on
- 3 the ...
- 4 Q. 765 The body?
- 15:25:57 5 A. Yeah.
- 6 Q. 766 And you don't recognise whose is it?
- 7 A. No.
- 8 Q. 767 Mrs. Gunne has told the Tribunal that nobody had contacted her before the
- 9 cheque arrived in the post and that she was surprised by it. And then at page
- 15:26:15 10 19579. This is an acknowledgement dated the 24th of October 2006 from
- 11 Mrs. Gunne and it reads "Dear Bertie, Enclosed please find receipt which may be
- 12 of use to you for your personal files. Delighted to see you in top form again.
- 13 Kind regards, Maureen Gunne".
- 14
- 15:26:31 15 Post that is sent to St. Luke's would that be opened by yourself as the
- 16 Taoiseach's secretary?
- 17 A. It depends. If it's marked personal and private he would open it.
- 18 Q. 768 Otherwise you would open it?
- 19 A. Yeah.
- 15:26:44 20 Q. 769 Would you recall receiving this letter from Mrs. Gunne?
- 21 A. I can't recall, I'm sorry. I can't recall.
- 22 Q. 770 And the content of the letter there is, it's not really self explanatory it
- 23 doesn't actually refer to the receipt of the cheque from Mr. Ahern. So that
- 24 didn't puzzle you at the time or anything?
- 15:27:05 25 A. Again as I said, I can't recall. I don't know whether I opened that or the
- 26 Taoiseach opened that.
- 27 Q. 771 Had you any contact with Mrs. Gunne over this, over the cheque?
- 28 A. No.
- 29 Q. 772 No?
- 15:27:14 30 A. No.

- 15:27:16 1 Q. 773 And Mr. Ahern didn't speak to you about this cheque either?
- 2 A. About?
- 3 Q. 774 Mrs. Gunne's cheque?
- 4 A. I can't recall, I can't recall.
- 15:27:26 5 Q. 775 You can't recall?
- 6 A. Sorry.
- 7 Q. 776 Could I have page 19577, please.
- 8
- 9 This is an acknowledgement of the receipt of the cheque signed Pat Gunne on
- 15:27:42 10 behalf of the Gunne family, but with Maureen Gunne's name and address
- 11 underneath it. Mrs. Gunne has told the Tribunal that she hadn't seen this
- 12 before and she doesn't know anything about it. Would this have been typed up
- 13 by you as well?
- 14 A. It could have been, it could have been, yeah. It could have been, yeah.
- 15:27:57 15 Q. 777 Do you recall dealing with Mr. Pat Gunne on the question of this
- 16 acknowledgement?
- 17 A. No, no.
- 18 Q. 778 Could I have page 19556, please. You see this cheque also dated the 29th of
- 19 September 2006 made out, payable to Dave McKenna for 5,914 Euro. Do you
- 15:28:29 20 recognise the handwriting there?
- 21 A. Yes, it is my handwriting.
- 22 Q. 779 And would you have been asked to fill out that cheque?
- 23 A. I just can't recall.
- 24 Q. 780 But you wouldn't have yourself decided?
- 15:28:43 25 A. No, no, no.
- 26 Q. 781 Decide by yourself to write a cheque from Mr. Ahern's account?
- 27 A. No. Sorry, I didn't understand your question there. I'm sure that the
- 28 Taoiseach asked me that we did them together as such.
- 29 Q. 782 Do you have a recollection that all of the cheques carry the same date. Do you
- 15:28:58 30 have a recollection of filling out the 12 cheques?

15:29:02 1 A. I can't say for certain on the day, I really can't. I can't remember.

2 Q. 783 This was last September?

3 A. I still wouldn't remember. I mean I deal with a number of letters every day.

4 Q. 784 All right?

15:29:13 5 A. In St. Luke's you know, and I wouldn't take.

6 Q. 785 Would this not have been slightly unusual to be making out cheques to 12 of

7 Mr. Ahern's friends all dated the same day for amounts greater than five or

8 6,000 Euros each. Would that not be an unusual event?

9 A. Well, when I'm in St. Luke's the office is so busy. I'm dealing with the

15:29:33 10 public. I'm dealing with phone calls. I'm dealing with typing letters. I

11 could type 100 letters a day so I'm not going to take note of every date on

12 every letter.

13 Q. 786 Even under the circumstances where there had been the uproar in the media, the

14 interview with Mr. Dobson on RTE, and there was a lot of talk about these loans

15:29:51 15 and the repayment of these loans, it still doesn't stand out?

16 A. The date would not stand out.

17 Q. 787 No. But the actual filling out of the cheques, the dealing with handling, with

18 the cheques?

19 A. I remember dealing with the acknowledgments and the letter that was to

15:30:08 20 accompany.

21 Q. 788 Uh-huh?

22 A. The cheques. I can't remember 100 percent filling out the cheques that is my

23 writing. And I can't remember the exact dates. It would have been just one

24 duty on a very busy day in the office.

15:30:23 25 Q. 789 And Mr. McKenna also tells the Tribunal that he had no advance warning of the

26 cheque coming either so he didn't say that he got any phone call from you?

27 A. Yeah.

28

29 JUDGE KEYS: Ms. McCullagh (SIC), could I ask you just one question in

15:30:37 30 relation to that cheque that you see on the screen?

15:30:39 1 A. Yes.
2
3 JUDGE KEYS: The 5914. Is that your handwriting? The actual figure that are
4 inserted in the, just after the Euro sign?
15:30:50 5 A. I'm not sure, Judge. I can't really see that.
6
7 JUDGE KEYS: I see. But you are quite sure that the --
8 A. That's definitely my handwriting.
9
10 JUDGE KEYS: Yes.
11 A. Not a hundred percent.
12
13 JUDGE KEYS: You can't say about the 5914?
14 A. No.
15:31:05 15
16 JUDGE KEYS: I see.
17 A. I can't say for definite, I'm afraid.
18
19 JUDGE KEYS: Well, does it appear to be do you think or --
15:31:12 20 A. It could be. I can't say 100 percent, I'm sorry.
21 Q. 790
22
23 MS. FOLEY: Could I have day 797 page 140, please.
24
15:31:28 25 A. Sorry the machine has gone down here.
26 Q. 791 It will be there. It will be up in a second?
27 A. Okay.
28 Q. 792 And question No. 1050 the end of the answer there. This is, sorry,
29 Mr. McKenna. Where he says that "Mr. Carew says sign the back of the cheque or
15:32:10 30 send it in to St. Luke's and it will be looked after and Mr. McKenna says

15:32:14 1 that's what he did. He was going to the airport two days later. He dropped it
2 off at 6.00 o'clock in the morning, stuck it in an envelope for Dermot Carew's
3 attention and left it in to St. Luke's".
4

15:32:22 5 Do you recall a letter arriving in St. Luke's marked for the attention of
6 Mr. Carew?
7 A. Sorry, I'm just lost on the screen where. Was that? 10?
8 Q. 793 Question 105. Sorry. Sorry. Line 19. Line 16, sorry. From line 16 down.
9 This is Mr. McKenna saying that Mr. Carew suggested to him to sign the back of
10 the cheque and drop it in to St. Luke's or send it in to St. Luke's?
11 A. Right. What was your question I'm sorry.
12 Q. 794 And Mr. McKenna says that he did that. That he signed the back of the cheque
13 and then dropped it out to St. Luke's marked for Mr. Carew's attention. Now
14 Mr. Carew doesn't recall this. He said that he didn't get the cheques and he
15 says that he didn't lodge the cheques to CARI. But Mr. McKenna believes that
16 that's who he left it out to St. Luke's for. So do you recall a cheque coming
17 in for Mr. McKenna marked for Mr. Carew's attention arriving in St. Luke's or
18 any correspondence arriving for Mr. Carew's attention in St. Luke's?
19 A. I can't say a hundred percent. I really can't. I just can't say 100 percent.
15:33:47 20 I know that I did get the cheques and I did pass them over to Mary Flaherty in
21 CARI.
22 Q. 795 But you didn't send any cheques to Mr. Carew?
23 A. Pardon?
24 Q. 796 You didn't send any cheques to Mr. Carew?
15:33:59 25 A. No.
26 Q. 797 For him to pass them on to CARI?
27 A. No.
28 Q. 798 You collected the cheques?
29 A. Yes.
15:34:04 30 Q. 799 So then Mr. Carew's cheque did end up with you?

15:34:08 1 A. Yes.

2 Q. 800 Yes?

3 A. Yes.

4 Q. 801 And would it be normal for post for Mr. Carew to arrive at St. Luke's?

15:34:16 5 A. Post comes into St. Luke's for everybody. For everybody.

6 Q. 802 Page 19570 please.

7

8 And this is an acknowledgement of the cheque dated the 14th of December and

9 signed by Mr. McKenna. He tells the Tribunal that he assumes that it must have

10 been sent to him. He assumes he must have sent it back to St. Luke's. It was

11 just a nuisance and he had to deal with it quickly. Do you recall sending this

12 out to Mr. McKenna?

13 A. Again, I can't be a hundred percent. I did send out. I can. I did send out

14 letters to the gentlemen concerned but I can't say to you 100 percent. I'd

15:34:58 15 have to look back at my file.

16 Q. 803 And when you sent these letters out did you ask for people to return them

17 quickly? Was there any accompanying letter with these letters?

18 A. No.

19 Q. 804 No?

15:35:09 20 A. No.

21 Q. 805 You just sent the letter?

22 A. Yeah.

23 Q. 806 And assumed that the person would understand that they were supposed to return

24 it to you?

15:35:15 25 A. I'm sure the Taoiseach would have spoken to them by phone explaining to them

26 that the cheques were going out. I'm just presuming that, I can't say a

27 hundred percent.

28 Q. 807 Most of the donors have told the Tribunal that An Taoiseach didn't telephone

29 them?

15:35:30 30 A. I am only just presuming. I can't say a hundred percent. I don't know what

15:35:36 1 happened. I can't say.

2 Q. 808 Okay. Could I have page 21721, please.

3

4 This is a letter dated the 29th of September enclosing a cheque to Mr. Nugent

15:35:51 5 for 5,914 Euro. The Tribunal has copies of similar letters for Mr. Chawke,

6 Mrs. Gunne, Mr. O'Connor, Mr. Richardson and Mr. Reilly. Do you know would you

7 have sent out that letter that covering letter with all of the cheques? Would

8 it have accompanied every cheque?

9 A. It did, yes.

15:36:08 10 Q. 809 It did?

11 A. Yeah, yeah.

12 Q. 810 And were you -- you were instructed to write these letters?

13 A. Yes.

14 Q. 811 And Mr. Ahern instructed you?

15:36:15 15 A. Yes.

16 Q. 812 And what actually did he ask you to do?

17 A. He asked me to -- he gave me the wording and to type it up and to send out the

18 cheques.

19 Q. 813 Send out the cheques with the letters?

15:36:27 20 A. Yes.

21 Q. 814 Mr -- sorry.

22

23 Page 19554, please. This is a cheque made payable to Mr. Nugent for 5,914. Do

24 you recognise the writing?

15:36:51 25 A. Yes, it's my handwriting.

26 Q. 815 The date is your writing, is it?

27 A. It's very hard to see it but I think it is my writing, yes.

28 Q. 816 And the body of the cheque, is that your writing?

29 A. Again it's very hard to see but I think it could be. I'm not a hundred percent

15:37:13 30 sure.

- 15:37:14 1 Q. 817 Mr. Nugent has told the Tribunal that he's fairly sure he gave this cheque to
2 Mr. Richardson but he knows he didn't send to CARI himself?
- 3 A. Right.
- 4 Q. 818 Do you believe that Mr. Nugent sent the cheque to you or do you think he may
15:37:28 5 have sent it to Mr. Richardson?
- 6 A. I'm not a hundred percent sure. I just can't recall exactly.
- 7 Q. 819 You don't know if Mr. Richardson brought to you more than one cheque?
- 8 A. I can't recall, I'm sorry.
- 9 Q. 820 Could I have page 19572, please. This is an acknowledgement signed by
15:38:03 10 Mr. Nugent, dated 14th December. Mr. Nugent was at first quite certain that he
11 typed this himself but when you look at it, it's very similar to all of the
12 other acknowledgement letters. And you believe you sent the acknowledgement
13 letters, is that correct?
- 14 A. Yes.
- 15:38:21 15 Q. 821 So you, would he would be mistaken. He said he wasn't quite so sure?
- 16 A. Again I can't say 100 percent but ...
- 17 Q. 822 Could I have page 19545, please. This is a letter enclosing a cheque to
18 Mr. Padraic O'Connor for 11,829 Euro. And at the bottom of it there is a copy
19 of the cheque. Can you identify that writing on the cheque?
- 15:38:55 20 A. That is very clear. I can see it's my writing, yes.
- 21 Q. 823 Is the date your writing as well?
- 22 A. Yes, yes.
- 23 Q. 824 And the numbers?
- 24 A. Yes.
- 15:39:04 25 Q. 825 This cheque also was never cashed. Did you discuss this cheque with Mr. Ahern,
26 do you recall?
- 27 A. No.
- 28 Q. 826 Could I have page 19575, please.
29
- 15:39:17 30 This is a letter from Mr. O'Connor addressed to Mr. Ahern thanking him for the

15:39:27 1 previous letter and saying "the payment to which I think this refers was made
2 on the proposal of Mr. Des Richardson and I believe was paid to or through him
3 I am writing to him separately about it".
4

15:39:38 5 Do you recall ever seeing or receiving this letter?

6 A. No.

7 Q. 827 No?

8 A. No.

9 Q. 828 So did Mr. Ahern ever speak to you about this letter?

15:39:45 10 A. No.

11 Q. 829 Or about the cheque sent out to Mr. O'Connor that wasn't cashed?

12 A. No. That's addressed to him there at Government buildings.

13 Q. 830 Yes?

14 A. Yeah. So I'm in Drumcondra so I wouldn't see any post that goes to --

15:40:06 15 Q. 831 But weren't you the person dealing with the repayment of these?

16 A. But I didn't see, what I'm trying to say to you is I didn't see this letter
17 because obviously it went to Government buildings.

18 Q. 832 And wasn't subsequently brought to you?

19 A. No, no.

15:40:20 20 Q. 833 Could I have page 19559, please.

21

22 This is another copy of a cheque the one made payable to Mr. Richardson.

23 Mr. Richardson, he thinks it came by post and that he sent it to you for onward
24 transmission to CARI. He says in his statement but in evidence he says he sent

15:40:44 25 it to you in Drumcondra for the attention of Mr. Carew. Do you recall Mr.

26 Richardson sending you a cheque and asking you to give it to Mr. Carew?

27 A. Again as I said with all of them, I can't be a hundred percent sure what way it
28 came back to me, I'm afraid.

29 Q. 834 And Mr. Richardson's acknowledgement of the cheque which is at 19571. He
15:41:11 30 recognises his signature but he has no recollection of the circumstances of

15:41:14 1 signing this. Do you recall either sending this out to Mr. Richardson or
2 Mr. Richardson asking him to come in and him signing it in St. Luke's?
3 A. I can't recall. I would have. If I had known I was going to be asked this
4 today I could have checked my file and be able to give you all of this
15:41:30 5 information, but I didn't know I was going to be asked about it today.

6 Q. 835 Yes?

7 A. As I said, the office is extremely busy so I don't remember the finer details.

8 Q. 836 So you have a file that's dealing with all of these matters?

9 A. Well I would keep, I would keep records of letters that I sent out. I could
15:41:47 10 check on my computer.

11
12 CHAIRMAN: Well, I am just wondering would it be more suitable then if the
13 Tribunal deems it necessary to get more detailed information from Ms. Cullagh,
14 that they can recall her. We can recall her at a date in the future when she's
15:42:04 15 seen the file and having notified her that she should look at the file in
16 detail before coming back. It might be ...

17
18 MR. O'DONNELL: Certainly, Chairman, that would appear to make sense. If the
19 Tribunal were perhaps to write to Mr. Guidera setting out any specific areas
15:42:29 20 that they would like her to concentrate on. I think we have a fairly clear
21 idea.

22
23 CHAIRMAN: I think Ms. Cullagh now knows the sort of questions that she might
24 expect to be asked if she returned.

15:42:35 25
26 MS. FOLEY: Just to, all of this documentation was contained in the brief and
27 the evidence over the last few days from the donors has referred to quite
28 frequently Ms. Cullagh.

29 A. I don't read anything. I just --

15:42:49 30

15:42:49 1 MS. FOLEY: Your lawyers would have received the brief, Ms. Cullagh?

2 A. They would have received, that I was going to be asked about CARI?

3

4 MS. FOLEY: They would have received all the documentation and access to the

15:43:00 5 transcripts. I am surprised that you are surprised.

6 A. I had no, all I thought I was coming up here today was to speak about lodging

7 the Taoiseach's cheques.

8

9 MS. FOLEY: Sorry, Ms. Cullagh, if you just bear with me for a minute.

15:43:30 10 A. Okay.

11 Q. 837 Sorry, Ms. Cullagh. The remainder of my questions are also on this subject so

12 perhaps we will take up the suggestion, give you an opportunity to have a look

13 at your file and maybe come back on another day that suits.

14 A. That's fine.

15:43:51 15 Q. 838 Thank you, Ms. Cullagh.

16

17 CHAIRMAN: Mr. O'Donnell, do you want to ask your client anything at this

18 stage?

19

15:43:57 20 MR. O'DONNELL: No. I think at this point it's probably as well to wait she

21 has completed her evidence and to ask questions on foot of that rather than

22 splitting it up unnecessarily. I don't have a lot of questions to ask and it

23 may well be that those topics will be dealt with by Ms. Foley on the next day

24 anyway.

15:44:12 25

26 CHAIRMAN: All right. Could I ask just ask you before you go, Ms. Cullagh.

27 You said that when you'd look into the safe there was a shelf on this safe?

28 A. Yes.

29

15:44:22 30 CHAIRMAN: Or in the safe?

15:44:23 1 A. Yes.
2
3 CHAIRMAN: On which money was kept, cash. Now, I know you didn't count it?
4 A. No.
15:44:32 5
6 CHAIRMAN: And you mightn't have paid much attention to it. You were probably
7 used to seeing some money there, were you?
8 A. Well, I knew the Taoiseach dealt in cash.
9
15:44:42 10 CHAIRMAN: All right. So it didn't surprise you to find --
11 A. No, no.
12
13 CHAIRMAN: But can you indicate whether it was sort of 50, 60 Pounds, hundreds
14 of Pounds, thousands of Pounds or 10s of thousands of Pounds. I mean you would
15:45:03 15 get an impression by simply looking at it. And I am not asking you to nominate
16 any specific figure. What was the general impression you had when you'd look
17 at the safe?
18 A. Well, Judge, to be honest with you. When I ... I very rarely went to the safe.
19 And when I did I was just anxious to get the file in or take the file out. I
15:45:24 20 didn't like to look at the money because I felt that's very private.
21
22 CHAIRMAN: Yeah, but were you conscious of there being an awful lot of money
23 there or just sort of spending money.
24 A. I was conscious that there was money there and again I just respected the
15:45:40 25 Taoiseach's privacy and I didn't look at the money or count the money or touch
26 the money.
27
28 CHAIRMAN: No, no, no.
29 A. I just --
15:45:47 30

15:45:47 1 CHAIRMAN: And I accept that.

2 A. I just wanted to get the file in.

3

4 CHAIRMAN: Yeah. But you had no sense as to whether it was a huge amount of

15:45:55 5 money or something in the hundreds or had you any idea?

6 A. I really did not take any notice --

7

8 CHAIRMAN: All right.

9 A. -- of how much money was in the safe.

15:46:05 10

11 CHAIRMAN: All right. Thank you very much.

12 A. Thank you, Judge.

13

14 CHAIRMAN: And if we can --

15:46:09 15 A. Yeah.

16

17 CHAIRMAN: Let you know through your solicitor when you might come back. It

18 won't be before Christmas.

19 A. Okay, Judge. Thank you. Thank you.

15:46:17 20

21 CHAIRMAN: So that concludes our business today until half past ten tomorrow.

22

23 MR. MURPHY: Yes, Chairman.

24

15:46:22 25 CHAIRMAN: Thank you very much.

26

27 MR. MURPHY: Thank you.

28

29

15:48:17 30

15:48:20 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

**THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,
THURSDAY, 20TH DECEMBER 2007, AT 10.30 A.M.**